

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**H. R. 3967**

To improve health care and benefits for veterans exposed to toxic substances, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. TESTER (for himself and Mr. MORAN)

Viz:

1       Strike all after the enacting clause and insert the fol-  
2       lowing:

3       **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**  
4       **UNITED STATES CODE; TABLE OF CONTENTS.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Sergeant First Class Heath Robinson Honoring our  
7       Promise to Address Comprehensive Toxics Act of 2022”  
8       or the “SFC Heath Robinson PACT Act of 2022”.

9       (b) MATTERS RELATING TO AMENDMENTS TO TITLE  
10      38, UNITED STATES CODE.—

11               (1) REFERENCES.—Except as otherwise ex-  
12      pressly provided, when in this Act an amendment or

1        repeal is expressed in terms of an amendment to, or  
2        repeal of, a section or other provision, the reference  
3        shall be considered to be made to a section or other  
4        provision of title 38, United States Code.

5            (2) AMENDMENTS TO TABLES OF CONTENTS.—

6        Except as otherwise expressly provided, when an  
7        amendment made by this Act to title 38, United  
8        States Code, adds a section or larger organizational  
9        unit to that title or amends the designation or head-  
10       ing of a section or larger organizational unit in that  
11       title, that amendment also shall have the effect of  
12       amending any table of sections in that title to alter  
13       the table to conform to the changes made by the  
14       amendment.

15        (c) TABLE OF CONTENTS.—The table of contents for  
16 this Act is as follows:

Sec. 1. Short title; references to title 38, United States Code; table of contents.

#### TITLE I—EXPANSION OF HEALTH CARE ELIGIBILITY

##### Subtitle A—Toxic-exposed Veterans

Sec. 101. Short title.

Sec. 102. Definitions relating to toxic-exposed veterans.

Sec. 103. Expansion of health care for specific categories of toxic-exposed veterans and veterans supporting certain overseas contingency operations.

Sec. 104. Assessments of implementation and operation.

##### Subtitle B—Certain Veterans of Combat Service and Other Matters

Sec. 111. Expansion of period of eligibility for health care for certain veterans of combat service.

#### TITLE II—TOXIC EXPOSURE PRESUMPTION PROCESS

Sec. 201. Short title.

## 3

- Sec. 202. Improvements to ability of Department of Veterans Affairs to establish presumptions of service connection based on toxic exposure.
- Sec. 203. Outreach to claimants for disability compensation pursuant to changes in presumptions of service connection.
- Sec. 204. Reevaluation of claims for dependency and indemnity compensation involving presumptions of service connection.

TITLE III—IMPROVING THE ESTABLISHMENT OF SERVICE  
CONNECTION PROCESS FOR TOXIC-EXPOSED VETERANS

- Sec. 301. Short title.
- Sec. 302. Presumptions of toxic exposure.
- Sec. 303. Medical nexus examinations for toxic exposure risk activities.

TITLE IV—PRESUMPTIONS OF SERVICE CONNECTION

- Sec. 401. Treatment of veterans who participated in cleanup of Enewetak Atoll as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 402. Treatment of veterans who participated in nuclear response near Palomares, Spain, or Thule, Greenland, as radiation-exposed veterans for purposes of presumption of service connection of certain disabilities by Department of Veterans Affairs.
- Sec. 403. Presumptions of service connection for diseases associated with exposures to certain herbicide agents for veterans who served in certain locations.
- Sec. 404. Addition of additional diseases associated with exposure to certain herbicide agents for which there is a presumption of service connection for veterans who served in certain locations.
- Sec. 405. Improving compensation for disabilities occurring in Persian Gulf War veterans.
- Sec. 406. Presumption of service connection for certain diseases associated with exposure to burn pits and other toxins.
- Sec. 407. Rule of construction.

TITLE V—RESEARCH MATTERS

- Sec. 501. Interagency working group on toxic exposure research.
- Sec. 502. Analysis and report on treatment of veterans for medical conditions related to toxic exposure.
- Sec. 503. Analysis relating to mortality of veterans who served in Southwest Asia.
- Sec. 504. Study on health trends of post-9/11 veterans.
- Sec. 505. Study on cancer rates among veterans.
- Sec. 506. Study on health effects of waste related to Manhattan Project on certain veterans.
- Sec. 507. Study on toxic exposure and mental health outcomes.
- Sec. 508. Study on veterans in Territories of the United States.
- Sec. 509. Department of Veterans Affairs public website for toxic exposure research.
- Sec. 510. Report on health effects of jet fuels used by Armed Forces.

TITLE VI—IMPROVEMENT OF RESOURCES AND TRAINING  
REGARDING TOXIC-EXPOSED VETERANS

## 4

- Sec. 601. Short title; definitions.
- Sec. 602. Publication of list of resources of Department of Veterans Affairs for toxic-exposed veterans and veterans who report toxic exposures and outreach program for such veterans and caregivers and survivors of such veterans.
- Sec. 603. Incorporation of toxic exposure screening for veterans.
- Sec. 604. Training for personnel of the Department of Veterans Affairs with respect to veterans who report toxic exposures.

## TITLE VII—RESOURCING

- Sec. 701. Authority to use appropriations to enhance claims processing capacity and automation.
- Sec. 702. Authorization of major medical facility leases of Department of Veterans Affairs for fiscal year 2023.
- Sec. 703. Treatment of major medical facility leases of the Department of Veterans Affairs.
- Sec. 704. Authority to enter into agreements with academic affiliates and other entities to acquire space for the purpose of providing health-care resources to veterans.
- Sec. 705. Modifications to enhanced-use lease authority of Department of Veterans Affairs.
- Sec. 706. Authority for joint leasing actions of Department of Defense and Department of Veterans Affairs.
- Sec. 707. Appropriation of amounts for major medical facility leases.

## TITLE VIII—RECORDS AND OTHER MATTERS

- Sec. 801. Epidemiological study on Fort McClellan veterans.
- Sec. 802. Biennial briefing on Individual Longitudinal Exposure Record.
- Sec. 803. Correction of exposure records by members of the Armed Forces and veterans.
- Sec. 804. Federal cause of action relating to water at Camp Lejeune, North Carolina.
- Sec. 805. Cost of War Toxic Exposures Fund.
- Sec. 806. Appropriation for fiscal year 2022.
- Sec. 807. Authorization of electronic notice in claims under laws administered by the Secretary of Veterans Affairs.
- Sec. 808. Burn pit transparency.

## TITLE IX—IMPROVEMENT OF WORKFORCE OF DEPARTMENT OF VETERANS AFFAIRS

- Sec. 901. National rural recruitment and hiring plan for Veterans Health Administration.
- Sec. 902. Authority to buy out service contracts for certain health care professionals in exchange for employment at rural or highly rural facilities of Department of Veterans Affairs.
- Sec. 903. Qualifications for human resources positions within Department of Veterans Affairs and plan to recruit and retain human resources employees.
- Sec. 904. Modification of pay cap for certain employees of Veterans Health Administration.
- Sec. 905. Expansion of opportunities for housekeeping aides.

Sec. 906. Modification of authority of the Secretary of Veterans Affairs relating to hours, conditions of employment, and pay for certain employees of Veterans Health Administration.

Sec. 907. Waiver of pay limitation for certain employees of Department of Veterans Affairs.

Sec. 908. Elimination of limitation on awards and bonus for employees of Department of Veterans Affairs.

Sec. 909. Additional authority of the Secretary of Veterans Affairs relating to recruitment and retention of personnel.

# **1 TITLE I—EXPANSION OF HEALTH 2 CARE ELIGIBILITY**

## **3 Subtitle A—Toxic-exposed Veterans**

### **4 SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Conceding Our Vet-  
6 erans’ Exposure Now and Necessitating Training Act of  
7 2022” or the “COVENANT Act of 2022”.

### **8 SEC. 102. DEFINITIONS RELATING TO TOXIC-EXPOSED VET- 9 ERANS.**

10 (a) IN GENERAL.—Section 1710(a)(2)(F) is amend-  
11 ed by striking “who was exposed to a toxic substance, ra-  
12 diation, or other conditions, as provided in subsection (e)”  
13 and inserting “who is a toxic-exposed veteran, in accord-  
14 ance with subsection (e)”.

15 (b) DEFINITIONS OF TOXIC EXPOSURE AND TOXIC-  
16 EXPOSED VETERAN.—Section 101 is amended by adding  
17 at the end the following new paragraphs:

18 “(37) The term ‘toxic exposure’ includes the fol-  
19 lowing:

20 “(A) A toxic exposure risk activity, as defined  
21 in section 1710(e)(4) of this title.

1           “(B) An exposure to a substance, chemical, or  
2           airborne hazard identified in the list under section  
3           1119(b)(2) of this title.

4           “(38) The term ‘toxic-exposed veteran’ means any  
5           veteran described in section 1710(e)(1) of this title.”.

6           (c) DEFINITION OF TOXIC EXPOSURE RISK ACTIV-  
7           ITY.—Section 1710(e)(4) is amended by adding at the end  
8           the following new subparagraph:

9           “(C) The term ‘toxic exposure risk activity’  
10          means any activity—

11                   “(i) that requires a corresponding entry in  
12                   an exposure tracking record system (as defined  
13                   in section 1119(c) of this title) for the veteran  
14                   who carried out the activity; or

15                   “(ii) that the Secretary determines quali-  
16                   fies for purposes of this subsection when taking  
17                   into account what is reasonably prudent to pro-  
18                   tect the health of veterans.”.

19   **SEC. 103. EXPANSION OF HEALTH CARE FOR SPECIFIC CAT-**  
20                   **EGORIES OF TOXIC-EXPOSED VETERANS AND**  
21                   **VETERANS SUPPORTING CERTAIN OVERSEAS**  
22                   **CONTINGENCY OPERATIONS.**

23           (a) IN GENERAL.—

1           (1) EXPANSION.—Subsection (e) of section  
2       1710, as amended by section 102(c), is further  
3       amended—

4           (A) in paragraph (1), by adding at the end  
5       the following new subparagraphs:

6       “(G) Beginning not later than the applicable date  
7       specified in paragraph (6), and subject to paragraph (2),  
8       a veteran who participated in a toxic exposure risk activity  
9       while serving on active duty, active duty for training, or  
10      inactive duty training is eligible for hospital care (includ-  
11      ing mental health services and counseling), medical serv-  
12      ices, and nursing home care under subsection (a)(2)(F)  
13      for any illness.

14      “(H) Beginning not later than the applicable date  
15      specified in paragraph (6), and subject to paragraph (2),  
16      a covered veteran (as defined in section 1119(c) of this  
17      title) is eligible for hospital care (including mental health  
18      services and counseling), medical services, and nursing  
19      home care under subsection (a)(2)(F) for any illness.

20      “(I)(i) Beginning not later than the applicable date  
21      specified in paragraph (6), and subject to paragraph (2),  
22      a veteran who deployed in support of a contingency oper-  
23      ation specified in clause (ii) is eligible for hospital care  
24      (including mental health services and counseling), medical

1 services, and nursing home care under subsection  
2 (a)(2)(F) for any illness.

3 “(ii) A contingency operation specified in this clause  
4 is any of the following:

5 “(I) Operation Enduring Freedom.

6 “(II) Operation Freedom’s Sentinel.

7 “(III) Operation Iraqi Freedom.

8 “(IV) Operation New Dawn.

9 “(V) Operation Inherent Resolve.

10 “(VI) Resolute Support Mission.”; and

11 (B) in paragraph (2)(B)—

12 (i) by striking “or (F)” and inserting

13 “(F), (G), (H), or (I)”; and

14 (ii) by striking “service or testing”

15 and inserting “service, testing, or activity”.

16 (2) PHASE IN.—Such subsection is further  
17 amended by adding at the end the following new  
18 paragraph:

19 “(6)(A) The Secretary shall determine the dates in  
20 subparagraphs (G), (H), and (I) of paragraph (1) as fol-  
21 lows:

22 “(i) October 1, 2024, with respect to a veteran  
23 described in such subparagraph (G) or (H) who was  
24 discharged or released from the active military,  
25 naval, air, or space service during the period begin-

1       ning on August 2, 1990, and ending on September  
2       11, 2001.

3           “(ii) October 1, 2026, with respect to a veteran  
4       described in such subparagraph (G) or (H) who was  
5       discharged or released from the active military,  
6       naval, air, or space service during the period begin-  
7       ning on September 12, 2001, and ending on Decem-  
8       ber 31, 2006.

9           “(iii) October 1, 2028, with respect to a veteran  
10      described in such subparagraph (G) or (H) who was  
11      discharged or released from the active military,  
12      naval, air, or space service during the period begin-  
13      ning on January 1, 2007, and ending on December  
14      31, 2012.

15          “(iv) October 1, 2030, with respect to a veteran  
16      described in such subparagraph (G) or (H) who was  
17      discharged or released from the active military,  
18      naval, air, or space service during the period begin-  
19      ning on January 1, 2013, and ending on December  
20      31, 2018.

21          “(v) October 1, 2032, with respect to a veteran  
22      described in such subparagraph (I).

23      “(B)(i) The Secretary may modify a date specified  
24      in subparagraph (A) to an earlier date, as the Secretary  
25      determines appropriate based on the number of veterans

1 receiving hospital care, medical services, and nursing home  
2 care under subparagraphs (G), (H), and (I) of paragraph  
3 (1) and the resources available to the Secretary.

4 “(ii) If the Secretary determines to modify a date  
5 under clause (i), the Secretary shall—

6 “(I) notify the Committee on Veterans’ Affairs  
7 of the Senate and the Committee on Veterans’ Af-  
8 fairs of the House of Representatives of the pro-  
9 posed modification; and

10 “(II) publish such modified date in the Federal  
11 Register.”.

12 (b) OUTREACH PLANS.—With respect to each of  
13 clauses (i) through (v) of section 1710(e)(6)(A) of title  
14 38, United States Code (as added by subsection (a)(2)),  
15 not later than 180 days before the date specified in the  
16 clause (including a date modified pursuant to such sec-  
17 tion), the Secretary shall submit to the Committee on Vet-  
18 erans’ Affairs of the Senate and the Committee on Vet-  
19 erans’ Affairs of the House of Representatives a plan to  
20 conduct outreach to the veterans described in the clause  
21 to notify such veterans of their eligibility for hospital care,  
22 medical services, or nursing home care under subpara-  
23 graph (G), (H), or (I), of section 1710(e)(1) of such title,  
24 as the case may be.

1   **SEC. 104. ASSESSMENTS OF IMPLEMENTATION AND OPER-**  
2                   **ATION.**

3           (a) INITIAL RESOURCE ASSESSMENT AND RE-  
4   PORT.—Not later than 180 days after the date of the en-  
5   actment of this Act, the Secretary of Veterans Affairs  
6   shall—

7           (1) complete an assessment to determine—

8                   (A) the personnel and material resources  
9           necessary to implement section 103 (including  
10          the amendments made by such section); and

11                  (B) the total number of covered veterans,  
12          as such term is defined in section 1119(c) of  
13          title 38, United States Code (as added by sec-  
14          tion 302), who receive hospital care or medical  
15          services furnished by the Secretary under chap-  
16          ter 17 of such title, disaggregated by priority  
17          group specified in section 1705(a) of such title;  
18          and

19          (2) submit to the Committee on Veterans' Af-  
20          fairs of the Senate and the Committee on Veterans'  
21          Affairs of the House of Representatives a report  
22          containing the findings of the assessment completed  
23          under paragraph (1), including a specific determina-  
24          tion as to whether the Department has the personnel  
25          and material resources necessary to implement sec-  
26          tion 103.

1 (b) INFORMATION SYSTEMS.—Not later than October  
2 1, 2024, the Secretary shall establish information systems  
3 to assess the implementation of section 103, including the  
4 amendments made by such section, and use the results  
5 of assessments under such systems to inform the reports  
6 under subsection (c).

7 (c) ANNUAL REPORTS.—

8 (1) REPORTS.—Not later than October 1, 2025,  
9 and on an annual basis thereafter until October 1,  
10 2033, the Secretary shall submit to the Committee  
11 on Veterans' Affairs of the Senate and the Com-  
12 mittee on Veterans' Affairs of the House of Rep-  
13 resentatives a report on the following:

14 (A) The effect of the implementation of,  
15 and the provision and management of care  
16 under, section 103 (including the amendments  
17 made by such section) on the demand by vet-  
18 erans described in subparagraphs (G), (H), and  
19 (I) of section 1710(e)(1) of title 38, United  
20 States Code (as added by such section 103) for  
21 health care services furnished by the Secretary.

22 (B) Any differing patterns of demand for  
23 health care services by such veterans,  
24 disaggregated by factors such as the relative  
25 distance of the veteran from medical facilities of

1 the Department and whether the veteran had  
2 previously received hospital care or medical  
3 services furnished by the Secretary under chap-  
4 ter 17 of such title.

5 (C) The extent to which the Secretary has  
6 met such demand.

7 (D) Any changes, during the year covered  
8 by the report, in the delivery patterns of health  
9 care furnished by the Secretary under chapter  
10 17 of such title, and the fiscal impact of such  
11 changes.

12 (2) MATTERS.—Each report under paragraph  
13 (1) shall include, with respect to the year covered by  
14 the report, detailed information on the following:

15 (A) The total number of veterans enrolled  
16 in the patient enrollment system who, during  
17 such year, received hospital care or medical  
18 services furnished by the Secretary under chap-  
19 ter 17 of title 38, United States Code.

20 (B) Of the veterans specified in subpara-  
21 graph (A), the number of such veterans who,  
22 during the preceding three fiscal years, had not  
23 received such care or services.

24 (C) With respect to the veterans specified  
25 in subparagraph (B), the cost of providing

1 health care to such veterans during the year  
2 covered by the report, shown in total and  
3 disaggregated by—

4 (i) the level of care; and

5 (ii) whether the care was provided  
6 through the Veterans Community Care  
7 Program.

8 (D) With respect to the number of vet-  
9 erans described in subparagraphs (G), (H), and  
10 (I) of section 1710(e)(1) of title 38, United  
11 States Code (as added by section 103), the fol-  
12 lowing (shown in total and disaggregated by  
13 medical facility of the Department, as applica-  
14 ble):

15 (i) The number of such veterans who,  
16 during the year covered by the report, en-  
17 rolled in the patient enrollment system.

18 (ii) The number of such veterans who  
19 applied for, but were denied, such enroll-  
20 ment.

21 (iii) The number of such veterans who  
22 were denied hospital care or a medical  
23 service furnished by the Secretary that was  
24 considered to be medically necessary but  
25 not of an emergency nature.

1           (E) The numbers and characteristics of,  
2           and the type and extent of health care fur-  
3           nished by the Secretary to, veterans enrolled in  
4           the patient enrollment system (shown in total  
5           and disaggregated by medical facility of the De-  
6           partment).

7           (F) The numbers and characteristics of,  
8           and the type and extent of health care fur-  
9           nished by the Secretary to, veterans not en-  
10          rolled in the patient enrollment system  
11          (disaggregated by each class of eligibility for  
12          care under section 1710 of title 38, United  
13          States Code, and further shown as a total per  
14          class and disaggregated by medical facility of  
15          the Department).

16          (G) The specific fiscal impact (shown in  
17          total and disaggregated by geographic health  
18          care delivery areas) of changes in the delivery  
19          patterns of health care furnished by the Sec-  
20          retary under chapter 17 of such title as a result  
21          of the implementation of section 103 (including  
22          the amendments made by such section).

23       (d) DEFINITIONS.—In this section:

24           (1) PATIENT ENROLLMENT SYSTEM.—The term  
25       “patient enrollment system” means the patient en-

1 rollment system of the Department of Veterans Af-  
2 fairs established and operated under section 1705(a)  
3 of title 38, United States Code.

4 (2) VETERANS COMMUNITY CARE PROGRAM.—  
5 The term “Veterans Community Care Program”  
6 means the program established under section 1703  
7 of title 38, United States Code.

8 **Subtitle B—Certain Veterans of**  
9 **Combat Service and Other Matters**

10 **SEC. 111. EXPANSION OF PERIOD OF ELIGIBILITY FOR**  
11 **HEALTH CARE FOR CERTAIN VETERANS OF**  
12 **COMBAT SERVICE.**

13 (a) EXPANDED PERIOD.—Section 1710(e)(3) is  
14 amended—

15 (1) in subparagraph (A)—

16 (A) by striking “January 27, 2003” and  
17 inserting “September 11, 2001”; and

18 (B) by striking “five-year period” and in-  
19 serting “10-year period”;

20 (2) by amending subparagraph (B) to read as  
21 follows:

22 “(B) With respect to a veteran described in  
23 paragraph (1)(D) who was discharged or released  
24 from the active military, naval, air, or space service  
25 after September 11, 2001, and before October 1,

1       2013, but did not enroll to receive such hospital  
2       care, medical services, or nursing home care under  
3       such paragraph pursuant to subparagraph (A) be-  
4       fore October 1, 2022, the one-year period beginning  
5       on October 1, 2022.”; and

6               (3) by striking subparagraph (C).

7       (b) CLARIFICATION OF COVERAGE.—Section  
8       1710(e)(1)(D) is amended by inserting after “Persian  
9       Gulf War” the following: “(including any veteran who, in  
10      connection with service during such period, received the  
11      Armed Forces Expeditionary Medal, Service Specific Ex-  
12      peditionary Medal, Combat Era Specific Expeditionary  
13      Medal, Campaign Specific Medal, or any other combat the-  
14      ater award established by a Federal statute or an Execu-  
15      tive order)”.

16      (c) OUTREACH PLAN.—Not later than December 1,  
17      2022, the Secretary of Veterans Affairs shall submit to  
18      the Committee on Veterans’ Affairs of the Senate and the  
19      Committee on Veterans’ Affairs of the House of Rep-  
20      resentatives a plan to conduct outreach to veterans de-  
21      scribed in subparagraph (B) of section 1710(e)(3) of title  
22      38, United States Code, as amended by subsection (a)(2),  
23      to notify such veterans of their eligibility for hospital care,  
24      medical services, or nursing home care pursuant to such  
25      subparagraph.

1 (d) REPORT ON ENROLLMENTS.—Not later than  
2 January 30, 2024, the Secretary shall submit to the Com-  
3 mittee on Veterans’ Affairs of the Senate and the Com-  
4 mittee on Veterans’ Affairs of the House of Representa-  
5 tives a report identifying, with respect to the one-year pe-  
6 riod beginning on October 1, 2022, the number of veterans  
7 described in section 1710(e)(3)(B) of title 38, United  
8 States Code, as amended by subsection (a)(2), who, during  
9 such period, enrolled in the patient enrollment system of  
10 the Department of Veterans Affairs established and oper-  
11 ated under section 1705(a) of such title.

12 (e) EFFECTIVE DATE.—This section and the amend-  
13 ments made by this section shall take effect on October  
14 1, 2022.

## 15 **TITLE II—TOXIC EXPOSURE** 16 **PRESUMPTION PROCESS**

### 17 **SEC. 201. SHORT TITLE.**

18 This subtitle may be cited as the “Toxic Exposure  
19 in the American Military Act of 2022” or the “TEAM Act  
20 of 2022”.

1 **SEC. 202. IMPROVEMENTS TO ABILITY OF DEPARTMENT OF**  
2 **VETERANS AFFAIRS TO ESTABLISH PRE-**  
3 **SUMPTIONS OF SERVICE CONNECTION**  
4 **BASED ON TOXIC EXPOSURE.**

5 (a) ADVISORY COMMITTEES, PANELS, AND  
6 BOARDS.—Chapter 11 is amended by adding at the end  
7 the following new subchapter:

8 “SUBCHAPTER VII—DETERMINATIONS RELAT-  
9 ING TO PRESUMPTIONS OF SERVICE CON-  
10 NECTION BASED ON TOXIC EXPOSURE

11 “§ 1171. **Procedures to determine presumptions of**  
12 **service connection based on toxic expo-**  
13 **sure; definitions**

14 “(a) PROCEDURES.—The Secretary shall determine  
15 whether to establish, or to remove, presumptions of service  
16 connection based on toxic exposure pursuant to this sub-  
17 chapter, whereby—

18 “(1) under section 1172 of this title—

19 “(A) the Secretary provides—

20 “(i) public notice regarding what for-  
21 mal evaluations the Secretary plans to con-  
22 duct; and

23 “(ii) the public an opportunity to com-  
24 ment on the proposed formal evaluations;

25 “(B) the working group established under  
26 subsection (b) of such section provides—

1 “(i) advice to the Secretary on toxic-  
2 exposed veterans and cases in which vet-  
3 erans who, during active military, naval,  
4 air, or space service, may have experienced  
5 a toxic exposure or their dependents may  
6 have experienced a toxic exposure while the  
7 veterans were serving in the active mili-  
8 tary, naval, air, or space service;

9 “(ii) recommendations to the Sec-  
10 retary on corrections needed in the Indi-  
11 vidual Longitudinal Exposure Record to  
12 better reflect veterans and dependents de-  
13 scribed in clause (i); and

14 “(iii) recommendations to the Sec-  
15 retary regarding which cases of possible  
16 toxic exposure should be reviewed;

17 “(2) the Secretary provides for formal evalua-  
18 tions of such recommendations under section 1173  
19 of this title and takes into account reports received  
20 by the Secretary from the National Academies of  
21 Sciences, Engineering, and Medicine under section  
22 1176 of this title; and

23 “(3) the Secretary issues regulations under sec-  
24 tion 1174 of this title.

25 “(b) DEFINITIONS.—In this subchapter:

1           “(1) The term ‘illness’ includes a disease or  
2           other condition affecting the health of an individual,  
3           including mental and physical health.

4           “(2) The term ‘Individual Longitudinal Expo-  
5           sure Record’ includes—

6                   “(A) service records;

7                   “(B) any database maintained by the De-  
8                   partment of Defense and shared with the De-  
9                   partment of Veterans Affairs to serve as a cen-  
10                  tral portal for exposure-related data that com-  
11                  piles, collates, presents, and provides available  
12                  occupational and environmental exposure infor-  
13                  mation to support the needs of the Department  
14                  of Defense and the Department of Veterans Af-  
15                  fairs; or

16                  “(C) any successor system to a database  
17                  described in subparagraph (B).

18   **“§ 1172. Annual notice and opportunity for public**  
19           **comment**

20           “(a) NOTICE REQUIRED.—(1)(A) Not less frequently  
21           than once each year, the Secretary shall publish in the  
22           Federal Register notice of the formal evaluations that the  
23           Secretary plans to conduct pursuant to section 1173 of  
24           this title.

1       “(B) Each notice published under subparagraph (A)  
2 shall include, for each formal evaluation referred to in the  
3 notice, an explanation as to why the military environ-  
4 mental exposures and adverse health outcomes that are  
5 the subject of the formal evaluation were chosen by the  
6 Secretary for formal evaluation under section 1173 of this  
7 title.

8       “(2)(A) With each notice published under paragraph  
9 (1), the Secretary shall seek public comment on the mili-  
10 tary environmental exposures and adverse health outcomes  
11 that are the subject of the formal evaluations referred to  
12 in the notice.

13       “(B) The Secretary shall—

14               “(i) consider all public comment received under  
15 subparagraph (A); and

16               “(ii) publish in the Federal Register a response  
17 to the comments received under subparagraph (A).

18       “(3)(A) For each notice published under paragraph  
19 (1), the Secretary shall hold an open meeting for members  
20 of the public to voice their comments in response to the  
21 notice.

22       “(B) To help evaluate presumptions of service con-  
23 nection, the Secretary shall, not less frequently than quar-  
24 terly, collaborate with, partner with, and give weight to

1 the advice of veterans service organizations and such other  
2 stakeholders as the Secretary considers appropriate.

3 “(4) Failure to include a military environmental ex-  
4 posure or adverse health effect in a Federal Register no-  
5 tice published pursuant to subsection (a) shall not pre-  
6 clude the Secretary from initiating a formal evaluation of  
7 such exposure or health effect.

8 “(b) WORKING GROUP.—(1) The Secretary shall es-  
9 tablish a working group within the Department (in this  
10 section referred to as the ‘Working Group’).

11 “(2) The Working Group shall include personnel of  
12 the Veterans Health Administration and the Veterans  
13 Benefits Administration.

14 “(3) The Secretary shall consult with, and seek the  
15 advice of, the Working Group with respect to cases in  
16 which—

17 “(A) a veteran may have, during active mili-  
18 tary, naval, air, or space service, experienced a toxic  
19 exposure; or

20 “(B) a dependent of a veteran may have experi-  
21 enced a toxic exposure during the active military,  
22 naval, air, or space service of the veteran.

23 “(c) ASSESSMENTS.—(1) The Working Group shall  
24 assess cases of the toxic exposure of veterans and their  
25 dependents that occurred during active military, naval,

1 air, or space service, including by conducting ongoing sur-  
2 veillance and reviewing such exposure described in sci-  
3 entific literature, media reports, information from vet-  
4 erans, and information from Congress.

5 “(2) The assessments under paragraph (1) shall  
6 cover suspected and known toxic exposures occurring dur-  
7 ing active military, naval, air, or space service, including  
8 by identifying and evaluating new and emerging toxic ex-  
9 posures that are not recognized under existing presump-  
10 tions of service connection.

11 “(3) The Working Group may conduct an assessment  
12 under paragraph (1) in response to a comment received  
13 under paragraph (2) or (3) of subsection (a).

14 “(4) The Working Group shall, in consultation with  
15 the Secretary of Defense, on a periodic basis, assess the  
16 Individual Longitudinal Exposure Record to ensure the  
17 accuracy of data collected.

18 “(d) DEVELOPMENT OF RECOMMENDATIONS.—(1)  
19 Following an assessment of a case of the toxic exposure  
20 of veterans that occurred during active military, naval, air,  
21 or space service under subsection (c), or their dependents,  
22 the Working Group may develop a recommendation for  
23 formal evaluation under section 1173 of this title to con-  
24 duct a review of the health effects related to the case of  
25 exposure if the Working Group determines that the re-

1 search may change the current understanding of the rela-  
2 tionship between an exposure to an environmental hazard  
3 and adverse health outcomes in humans.

4 “(2) Upon receipt of evidence suggesting that pre-  
5 vious findings regarding the periods and locations of expo-  
6 sure covered by an existing presumption of service connec-  
7 tion are no longer supported, the Working Group may  
8 nominate such evidence for formal evaluation under sec-  
9 tion 1173 of this title to modify the periods and locations.

10 “(e) REPORTS BY THE WORKING GROUP.—Not less  
11 frequently than once each year, the Working Group shall  
12 submit to the Secretary, the Committee on Veterans’ Af-  
13 fairs of the Senate, and the Committee on Veterans’ Af-  
14 fairs of the House of Representatives, and make publicly  
15 available, a report on—

16 “(1) recommendations developed under sub-  
17 section (d), if any; and

18 “(2) recommendations for such legislative or  
19 administrative action as the Working Group con-  
20 siders necessary for the Working Group to be more  
21 effective in carrying out the requirements of this sec-  
22 tion.

23 “(f) RESPONSES BY SECRETARY.—In response to  
24 each report submitted under subsection (e), the Secretary  
25 shall, not later than 30 days after receiving the report,

1 initiate a formal evaluation pursuant to section 1173 of  
2 this title.

3 **“§ 1173. Formal evaluation of recommendations**

4 “(a) FORMAL EVALUATIONS.—The Secretary shall  
5 establish a process to conduct a formal evaluation with  
6 respect to each recommendation made by the Working  
7 Group under section 1172 of this title.

8 “(b) EVIDENCE, DATA, AND FACTORS.—The Sec-  
9 retary shall ensure that each formal evaluation under sub-  
10 section (a) covers the following:

11 “(1) Scientific evidence, based on the review of  
12 available scientific literature, including human, toxi-  
13 cological, animal, and methodological studies, and  
14 other factors.

15 “(2) Claims data, based on the review of claim  
16 rate, grant rate, and service connection prevalence,  
17 and other factors.

18 “(3) Other factors the Secretary determines ap-  
19 propriate, such as—

20 “(A) the level of disability and mortality  
21 caused by the health effects related to the case  
22 of toxic exposure being evaluated;

23 “(B) the quantity and quality of the infor-  
24 mation available and reviewed;

1                   “(C) the feasibility of and period for gener-  
2                   ating relevant information and evidence;

3                   “(D) whether such health effects are  
4                   combat- or deployment-related;

5                   “(E) the ubiquity or rarity of the health  
6                   effects; and

7                   “(F) any time frame during which a health  
8                   effect must become manifest.

9           “(c) CONDUCT OF EVALUATIONS.—(1) The Secretary  
10 shall ensure that each formal evaluation under subsection  
11 (a)—

12                   “(A) reviews scientific evidence in a manner  
13                   that—

14                   “(i) conforms to principles of scientific and  
15                   data integrity;

16                   “(ii) is free from suppression or distortion  
17                   of scientific or technological findings, data, in-  
18                   formation, conclusions, or technical results; and

19                   “(B)(i) evaluates the likelihood that a positive  
20                   association exists between an illness and a toxic ex-  
21                   posure while serving in the active military, naval,  
22                   air, or space service; and

23                   “(ii) assesses the toxic exposures and illnesses  
24                   and determines whether the evidence supports a

1 finding of a positive association between the toxic  
2 exposure and the illness.

3 “(2) In carrying out paragraph (1)(B)(ii), a formal  
4 evaluation under subsection (a) shall include reviewing all  
5 relevant data to determine the strength of evidence for a  
6 positive association based on the following four categories:

7 “(A) The ‘sufficient’ category, where the evi-  
8 dence is sufficient to conclude that a positive asso-  
9 ciation exists.

10 “(B) The ‘equipoise and above’ category, where  
11 the evidence is sufficient to conclude that a positive  
12 association is at least as likely as not, but not suffi-  
13 cient to conclude that a positive association exists.

14 “(C) The ‘below equipoise’ category, where the  
15 evidence is not sufficient to conclude that a positive  
16 association is at least as likely as not, or is not suffi-  
17 cient to make a scientifically informed judgment.

18 “(D) The ‘against’ category, where the evidence  
19 suggests the lack of a positive association.

20 “(d) RECOMMENDATION FOR ESTABLISHING A PRE-  
21 SUMPTION OF SERVICE CONNECTION.—Not later than  
22 120 days after the date on which a formal evaluation is  
23 commenced, the element of the Department that conducts  
24 the evaluation shall submit to the Secretary a rec-  
25 ommendation with respect to establishing a presumption

1 of service connection for the toxic exposure and illness,  
2 or modifying an existing presumption of service connec-  
3 tion, covered by the evaluation.

4 **“§ 1174. Regulations regarding presumptions of serv-**  
5 **ice connection based on toxic exposure**

6 “(a) ACTION UPON RECOMMENDATION.—Not later  
7 than 160 days after the date on which the Secretary re-  
8 ceives a recommendation to establish or modify a pre-  
9 sumption of service connection under section 1173 of this  
10 title—

11 “(1) if the Secretary determines, in the discre-  
12 tion of the Secretary, that the presumption, or modi-  
13 fication, is warranted, the Secretary shall—

14 “(A) commence issuing regulations in ac-  
15 cordance with the provisions of subchapter II of  
16 chapter 5 of title 5 (commonly referred to as  
17 the Administrative Procedures Act) setting  
18 forth the presumption or commence revising  
19 regulations to carry out such modification; and

20 “(B) include in such regulations any time  
21 frame during which a health effect must become  
22 manifest; or

23 “(2) if the Secretary determines, in the discre-  
24 tion of the Secretary, that the presumption, or modi-  
25 fication, is not warranted, the Secretary shall pub-

1       lish in the Federal Register a notice of the deter-  
2       mination, including the reasons supporting the de-  
3       termination.

4       “(b) REMOVAL OF PRESUMPTION.—(1)(A) The Sec-  
5       retary may—

6               “(i) issue a regulation to remove an illness from  
7       a presumption of service connection previously estab-  
8       lished pursuant to a regulation issued under sub-  
9       section (a); and

10              “(ii) issue a regulation to remove a presumption  
11       of service connection established pursuant to title IV  
12       of the Sergeant First Class Heath Robinson Hon-  
13       oring our Promise to Address Comprehensive Toxics  
14       Act of 2022 if the Secretary concludes that evidence  
15       suggests the lack of a positive association between  
16       the disease and the toxic exposure.

17       “(B) Under subparagraph (A)(ii), the Secretary shall  
18       not consider the lack of evidence as sufficient to support  
19       a decision for removal of a presumption.

20       “(2) Whenever an illness is removed from regulations  
21       pursuant to paragraph (1), or the periods and locations  
22       of exposure covered by a presumption of service connection  
23       are modified under subsection (a)—

24              “(A) a veteran who was awarded compensation  
25       under chapter 11 of this title for such illness on the

1 basis of the presumption provided under such regu-  
2 lations before the effective date of the removal or  
3 modification shall continue to be entitled to receive  
4 compensation on that basis;

5 “(B) a survivor of a veteran who was awarded  
6 dependency and indemnity compensation under  
7 chapter 13 of this title for the death of a veteran re-  
8 sulting from such illness on the basis of such pre-  
9 sumption shall continue to be entitled to receive de-  
10 pendency and indemnity compensation on such  
11 basis; and

12 “(C) no veteran or survivor covered under sub-  
13 paragraph (A) or (B) shall have their compensation  
14 reduced solely because of the removal of an illness  
15 pursuant to paragraph (1).

16 **“§ 1175. Authority to modify process; congressional**  
17 **oversight**

18 “(a) IN GENERAL.—The Secretary may modify the  
19 process under which the working group established under  
20 subsection (b) of section 1172 of this title conducts assess-  
21 ments under such section, the Secretary conducts formal  
22 evaluations under section 1173 of this title, and issues  
23 regulations under section 1174 of this title if—

1           “(1) such evaluations cover the evidence, data,  
2           and factors required by subsection (b) of such sec-  
3           tion 1173; and

4           “(2) a period of 180 days has elapsed following  
5           the date on which the Secretary submits the notice  
6           under subsection (b) regarding the modification.

7           “(b) NOTICE.—If the Secretary proposes to modify  
8           the process under which the working group established  
9           under subsection (b) of section 1172 of this title conducts  
10          assessments under such section, the process under which  
11          the Secretary conducts formal evaluations under section  
12          1173 of this title, or issues regulations under section 1174  
13          of this title, the Secretary shall submit to the Committee  
14          on Veterans’ Affairs of the Senate and the Committee on  
15          Veterans’ Affairs of the House of Representatives a notice  
16          of the proposed modifications containing the following:

17               “(1) A description of the proposed modifica-  
18               tions.

19               “(2) A description of any exceptions to the re-  
20               quirements of such sections that are proposed be-  
21               cause of limited available scientific evidence, and a  
22               description of how such evaluations will be con-  
23               ducted.

1 **“§ 1176. Agreement with National Academies of**  
2 **Sciences, Engineering, and Medicine con-**  
3 **cerning toxic exposures**

4 “(a) PURPOSE.—The purpose of this section is to  
5 provide for the National Academies of Sciences, Engineer-  
6 ing, and Medicine (in this section referred to as the ‘Acad-  
7 emies’), an independent nonprofit scientific organization  
8 with appropriate expertise that is not part of the Federal  
9 Government, to review and evaluate the available scientific  
10 evidence regarding associations between diseases and toxic  
11 exposures.

12 “(b) AGREEMENT.—(1) The Secretary shall seek to  
13 enter into a five-year agreement with the Academies to  
14 perform the services covered by this section.

15 “(2) The Secretary shall seek to enter into an agree-  
16 ment described in paragraph (1) not later than 60 days  
17 after the date of the enactment of the Sergeant First Class  
18 Heath Robinson Honoring our Promise to Address Com-  
19 prehensive Toxics Act of 2022.

20 “(3) An agreement under this section may be ex-  
21 tended in five-year increments.

22 “(c) REVIEW OF SCIENTIFIC EVIDENCE.—Under an  
23 agreement between the Secretary and the Academies  
24 under this section, the Academies shall review and summa-  
25 rize the scientific evidence, and assess the strength there-  
26 of, concerning the association between toxic exposures

1 during active military, naval, air, or space service and each  
2 disease suspected to be associated with such exposure in  
3 the human population.

4 “(d) SCIENTIFIC DETERMINATIONS CONCERNING  
5 DISEASES.—For each disease reviewed under subsection  
6 (c), the Academies shall determine, to the extent that  
7 available scientific data permit meaningful determina-  
8 tions—

9 “(1) whether an association exists between toxic  
10 exposures and the occurrence of the disease, taking  
11 into account the strength of the scientific evidence  
12 and the appropriateness of the statistical and epide-  
13 miological methods used to detect the association;

14 “(2) the increased risk of the disease among  
15 those reporting toxic exposures during active mili-  
16 tary, naval, air, or space service;

17 “(3) whether there exists a plausible biological  
18 mechanism or other evidence of a positive associa-  
19 tion between the toxic exposure and the occurrence  
20 of the disease; and

21 “(4) determine the strength of evidence for a  
22 positive association based on categories furnished  
23 under section 1173 of this title.

24 “(e) COOPERATION OF FEDERAL AGENCIES.—The  
25 head of each relevant Federal agency, including the Sec-

1   retary of Defense, shall cooperate fully with the Academies  
2   in performing the services covered by this section.

3       “(f) RECOMMENDATIONS FOR ADDITIONAL SCI-  
4   ENTIFIC STUDIES.—(1) Under an agreement between the  
5   Secretary and the Academies under this section, the Acad-  
6   emies shall make any recommendations for additional sci-  
7   entific studies to resolve areas of continuing scientific un-  
8   certainty relating to toxic exposures.

9       “(2) In making recommendations under paragraph  
10  (1), the Academies shall consider—

11           “(A) the scientific information that is available  
12       at the time of the recommendation;

13           “(B) the value and relevance of the information  
14       that could result from additional studies; and

15           “(C) the cost and feasibility of carrying out  
16       such additional studies.

17       “(g) REPORTS.—(1)(A) Under an agreement between  
18  the Secretary and the Academies under this section, not  
19  later than one year after the date of the enactment of the  
20  Sergeant First Class Heath Robinson Honoring our  
21  Promise to Address Comprehensive Toxics Act of 2022,  
22  the Academies shall submit to the Secretary, the Com-  
23  mittee on Veterans’ Affairs of the Senate, and the Com-  
24  mittee on Veterans’ Affairs of the House of Representa-

1 tives an initial report on the activities of the Academies  
2 under the agreement.

3 “(B) The report submitted under subparagraph (A)  
4 shall include the following:

5 “(i) The determinations described in subsection  
6 (d).

7 “(ii) A full explanation of the scientific evidence  
8 and reasoning that led to such determinations.

9 “(iii) Any recommendations of the Academies  
10 under subsection (f).

11 “(2) Under an agreement between the Secretary and  
12 the Academies under this section, not less frequently than  
13 once every two years after the date on which the initial  
14 report is submitted under paragraph (1)(A), the Acad-  
15 emies shall submit to the Secretary, the Committee on  
16 Veterans’ Affairs of the Senate, and the Committee on  
17 Veterans’ Affairs of the House of Representatives an up-  
18 dated report on the activities of the Academies under the  
19 agreement.

20 “(h) ALTERNATIVE CONTRACT SCIENTIFIC ORGANI-  
21 ZATION.—(1) If the Secretary is unable within the time  
22 period prescribed in subsection (b)(2) to enter into an  
23 agreement with the Academies for the purposes of this sec-  
24 tion on terms acceptable to the Secretary, the Secretary  
25 shall seek to enter into an agreement for the purposes of

1 this section with another appropriate scientific organiza-  
2 tion that—

3 “(A) is not part of the Federal Government;

4 “(B) operates as a not-for-profit entity; and

5 “(C) has expertise and objectivity comparable  
6 to that of the Academies.

7 “(2) If the Secretary enters into an agreement with  
8 another organization as described in paragraph (1), any  
9 reference in this subchapter to the Academies shall be  
10 treated as a reference to the other organization.”.

11 (b) REPORTS AND BRIEFINGS.—

12 (1) REPORT.—

13 (A) IN GENERAL.—Not later than two  
14 years after the date of the enactment of this  
15 Act, the Secretary of Veterans Affairs shall  
16 submit to the Committee on Veterans’ Affairs  
17 of the Senate and the Committee on Veterans’  
18 Affairs of the House of Representatives a re-  
19 port on the implementation of, and rec-  
20 ommendations for, subchapter VII of chapter  
21 11 of title 38, United States Code, as added by  
22 subsection (a).

23 (B) CONSULTATION.—The Secretary shall  
24 develop the report under subparagraph (A) in  
25 consultation with organizations recognized by

1 the Secretary for the representation of veterans  
2 under section 5902 of such title and any other  
3 entity the Secretary determines appropriate.

4 (2) BRIEFING.—On a quarterly basis during  
5 the two-year period beginning on the date of the en-  
6 actment of this Act, the Secretary shall provide to  
7 the Committee on Veterans’ Affairs of the Senate  
8 and the Committee on Veterans’ Affairs of the  
9 House of Representatives a briefing on the imple-  
10 mentation of subchapter VII of chapter 11 of such  
11 title, as added by subsection (a).

12 (c) INDEPENDENT ASSESSMENT.—

13 (1) AGREEMENT.—The Secretary shall seek to  
14 enter into an agreement with the National Acad-  
15 emies of Science, Engineering, and Medicine (in this  
16 subsection referred to as the “Academies”) before  
17 the date that is 90 days after the date of the enact-  
18 ment of this Act to perform the services set forth  
19 under paragraph (2).

20 (2) ASSESSMENT.—

21 (A) IN GENERAL.—Under an agreement  
22 between the Secretary and the Academies under  
23 paragraph (1), the Academies shall conduct an  
24 assessment of the implementation by the De-  
25 partment of Veterans Affairs of the process es-

1           tablished under subchapter VII of chapter 11 of  
2           title 38, United States Code, as added by sub-  
3           section (a).

4           (B) ELEMENTS.—The assessment con-  
5           ducted under subparagraph (A) shall include  
6           the following:

7                   (i) An assessment of the Depart-  
8                   ment's implementation of the process es-  
9                   tablished under subsection (a) to determine  
10                  whether the process is in accordance with  
11                  current scientific standards for assessing  
12                  the link between exposure to environmental  
13                  hazards and the development of health out-  
14                  comes,

15                  (ii) assess whether the criteria is fair  
16                  and consistent, and

17                  (iii) provide recommendations for im-  
18                  provements to the process.

19           (3) REPORT.—Not later than one year after the  
20           date on which the Secretary enters into an agree-  
21           ment under paragraph (1), the Secretary shall sub-  
22           mit to the Committee on Veterans' Affairs of the  
23           Senate and the Committee on Veterans' Affairs of  
24           the House of Representatives a report on the find-  
25           ings of the Academies pursuant to such agreement.

1           (4) ALTERNATIVE CONTRACT SCIENTIFIC ORGA-  
2           NIZATION.—

3                   (A) IN GENERAL.—If the Secretary is un-  
4           able within the time period prescribed in para-  
5           graph (1) to enter into an agreement with the  
6           Academies for the purposes of this subsection  
7           on terms acceptable to the Secretary, the Sec-  
8           retary shall seek to enter into an agreement for  
9           the purposes of this subsection with another ap-  
10          propriate scientific organization that—

11                   (i) is not part of the Federal Govern-  
12          ment;

13                   (ii) operates as a not-for-profit entity;  
14          and

15                   (iii) has expertise and objectivity com-  
16          parable to that of the Academies.

17                   (B) TREATMENT.—If the Secretary enters  
18          into an agreement with another organization as  
19          described in subparagraph (A), any reference in  
20          this subsection to the Academies of Sciences,  
21          Engineering, and Medicine shall be treated as a  
22          reference to the other organization.

23          (d) CONFORMING AMENDMENTS.—Chapter 11 is  
24          amended—

25                   (1) in section 1116—

1 (A) by striking subsections (b), (c), (d),  
2 and (e);

3 (B) by inserting after subsection (a) the  
4 following new subsection (b):

5 “(b) The Secretary shall ensure that any determina-  
6 tion made on or after the date of the enactment of the  
7 Sergeant First Class Heath Robinson Honoring our  
8 Promise to Address Comprehensive Toxics Act of 2022 re-  
9 garding a presumption of service connection based on ex-  
10 posure to an herbicide agent under this section is made  
11 pursuant to subchapter VII of this chapter, including with  
12 respect to assessing reports received by the Secretary from  
13 the National Academy of Sciences under section 3 of the  
14 Agent Orange Act of 1991 (Public Law 102–4).”; and

15 (C) by redesignating subsection (f) as sub-  
16 section (c);

17 (2) in section 1116B(b)(2)(A), by inserting  
18 “pursuant to subchapter VII of this chapter,” before  
19 “the Secretary determines”; and

20 (3) in section 1118—

21 (A) by striking subsections (b) through (e);  
22 and

23 (B) by inserting after subsection (a) the  
24 following new subsection (b):

1 “(b) The Secretary shall ensure that any determina-  
2 tion made on or after the date of the enactment of the  
3 Sergeant First Class Heath Robinson Honoring our  
4 Promise to Address Comprehensive Toxics Act of 2022 re-  
5 garding a presumption of service connection based on a  
6 toxic exposure under this section is made pursuant to sub-  
7 chapter VII of this chapter.”.

8 **SEC. 203. OUTREACH TO CLAIMANTS FOR DISABILITY COM-**  
9 **PENSATION PURSUANT TO CHANGES IN PRE-**  
10 **SUMPTIONS OF SERVICE CONNECTION.**

11 (a) IN GENERAL.—Subchapter VI of chapter 11 is  
12 amended by adding at the end the following new section:

13 **“§ 1167. Outreach pursuant to changes in presump-**  
14 **tions of service connection**

15 “(a) IN GENERAL.—Whenever a law, including  
16 through a regulation or Federal court decision or settle-  
17 ment, establishes or modifies a presumption of service con-  
18 nection, the Secretary shall—

19 “(1) identify all claims for compensation under  
20 this chapter that—

21 “(A) were submitted to the Secretary;

22 “(B) were evaluated and denied by the  
23 Secretary before the date on which such provi-  
24 sion of law went into effect; and

1                   “(C) might have been evaluated differently  
2                   had the establishment or modification been ap-  
3                   plicable to the claim; and

4                   “(2) pursuant to subsection (b), conduct out-  
5                   reach to the claimants.

6                   “(b) OUTREACH.—(1) The Secretary shall conduct  
7                   outreach to inform claimants identified under subsection  
8                   (a) that they may submit a supplemental claim in light  
9                   of the establishment or modification of a presumption of  
10                  service connection described in subsection (a).

11                  “(2) Outreach under paragraph (1) shall include the  
12                  following:

13                         “(A) The Secretary shall publish on the inter-  
14                         net website of the Department a notice that such  
15                         veterans may elect to file a supplemental claim.

16                         “(B) The Secretary shall notify, in writing or  
17                         by electronic means, veterans service organizations  
18                         of the ability of such veterans to file a supplemental  
19                         claim.

20                         “(C) The Secretary shall contact each claimant  
21                         identified under subsection (a) in the same manner  
22                         that the Department last provided notice of a deci-  
23                         sion.”.

24                   (b) APPLICATION.—Section 1167 of title 38, United  
25                   States Code, as added by subsection (a), shall apply with

1 respect to presumptions of service connection established  
2 or modified on or after the date of the enactment of this  
3 Act, including pursuant to amendments made by this Act.

4 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
5 tion shall be construed as modifying the obligations of the  
6 Department of Veterans Affairs under Federal court deci-  
7 sions or settlements in effect as of the date of the enact-  
8 ment of this Act.

9 **SEC. 204. REEVALUATION OF CLAIMS FOR DEPENDENCY**  
10 **AND INDEMNITY COMPENSATION INVOLVING**  
11 **PRESUMPTIONS OF SERVICE CONNECTION.**

12 (a) IN GENERAL.—Subchapter I of chapter 13 is  
13 amended by adding at the end the following new section:

14 **“§ 1305. Reevaluation of dependency and indemnity**  
15 **compensation determinations pursuant**  
16 **to changes in presumptions of service**  
17 **connection**

18 “(a) REEVALUATION.—Whenever a law, including  
19 through a regulation or Federal court decision or settle-  
20 ment, establishes or modifies a presumption of service con-  
21 nection, the Secretary shall—

22 “(1) identify all claims for dependency and in-  
23 demnity compensation under this chapter that—

24 “(A) were submitted to the Secretary;

1           “(B) were evaluated and denied by the  
2           Secretary before the date on which such provi-  
3           sion of law went into effect; and

4           “(C) might have been evaluated differently  
5           had the establishment or modification been ap-  
6           plicable to the claim;

7           “(2) allow for the reevaluation of such claims at  
8           the election of the claimant; and

9           “(3) notwithstanding section 5110 of this title,  
10          with respect to claims approved pursuant to such re-  
11          evaluation, provide compensation under this chapter  
12          effective as if the establishment or modification of  
13          the presumption of service connection had been in  
14          effect on the date of the submission of the original  
15          claim described in paragraph (1).

16          “(b) OUTREACH.—(1) The Secretary shall conduct  
17          outreach to inform relevant claimants that they may elect  
18          to have a claim be reevaluated in light of the establishment  
19          or modification of a presumption of service connection de-  
20          scribed in subsection (a).

21          “(2) Outreach under paragraph (1) shall include the  
22          following:

23                 “(A) The Secretary shall publish on the inter-  
24                 net website of the Department a notice that such  
25                 claimants may elect to have a claim so reevaluated.

1           “(B) The Secretary shall notify, in writing or  
2           by electronic means, veterans service organizations  
3           of the ability of such claimants to elect to have a  
4           claim so reevaluated.

5           “(C) The Secretary shall contact each claimant  
6           identified under subsection (a) in the same manner  
7           that the Department last provided notice of a deci-  
8           sion.”.

9           (b) APPLICATION.—Section 1305 of title 38, United  
10          States Code, as added by subsection (a), shall apply with  
11          respect to presumptions of service connection established  
12          or modified on or after the date of the enactment of this  
13          Act, including pursuant to amendments made by this Act.

14          (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
15          tion shall be construed as modifying the obligations of the  
16          Department of Veterans Affairs under Federal court deci-  
17          sions or settlements in effect as of the date of the enact-  
18          ment of this Act.

19       **TITLE III—IMPROVING THE ES-**  
20       **TABLISHMENT OF SERVICE**  
21       **CONNECTION PROCESS FOR**  
22       **TOXIC-EXPOSED VETERANS**

23       **SEC. 301. SHORT TITLE.**

24           This title may be cited as the “Veterans Burn Pits  
25          Exposure Recognition Act of 2022”.

1 **SEC. 302. PRESUMPTIONS OF TOXIC EXPOSURE.**

2 Subchapter II of chapter 11 is amended by adding  
3 at the end the following new section:

4 **“§ 1119. Presumptions of toxic exposure**

5 “(a) CONSIDERATION OF RECORDS.—If a veteran  
6 submits to the Secretary a claim for compensation for a  
7 service-connected disability under section 1110 of this title  
8 with evidence of a disability and a toxic exposure that oc-  
9 curred during active military, naval, air, or space service,  
10 the Secretary may, in adjudicating such claim, consider—

11 “(1) any record of the veteran in an exposure  
12 tracking record system; and

13 “(2) if no record of the veteran in an exposure  
14 tracking record system indicates that the veteran  
15 was subject to a toxic exposure during active mili-  
16 tary, naval, air, or space service, the totality of the  
17 circumstances of the service of the veteran.

18 “(b) PRESUMPTION OF SPECIFIC TOXIC EXPOSURE  
19 FOR MEMBERS WHO SERVED IN CERTAIN LOCATIONS.—

20 (1) The Secretary shall, for purposes of section 1110 and  
21 chapter 17 of this title, presume that any covered veteran  
22 was exposed to the substances, chemicals, and airborne  
23 hazards identified in the list under paragraph (2) during  
24 the service of the covered veteran specified in subsection  
25 (c)(1), unless there is affirmative evidence to establish  
26 that the covered veteran was not exposed to any such sub-

1 stances, chemicals, or hazards in connection with such  
2 service.

3 “(2) The Secretary shall—

4 “(A) establish and maintain a list that contains  
5 an identification of one or more such substances,  
6 chemicals, and airborne hazards as the Secretary, in  
7 collaboration with the Secretary of Defense, may de-  
8 termine appropriate for purposes of this section; and

9 “(B) determine, using procedures consistent  
10 with section 1172 of this title and through the con-  
11 duct of a formal evaluation under section 1173 of  
12 this title, whether to establish an end date for a cov-  
13 ered veteran to qualify for presumptions of exposure  
14 under this section, if appropriate, but in no case es-  
15 tablish an end date earlier than the last day of the  
16 period specified in section 101(33) for the Persian  
17 Gulf War.

18 “(3) Beginning not later than two years after the  
19 date of the enactment of the Sergeant First Class Heath  
20 Robinson Honoring our Promise to Address Comprehen-  
21 sive Toxics Act of 2022, and not less frequently than once  
22 every two years thereafter, the Secretary shall submit to  
23 the Committee on Veterans’ Affairs of the Senate and the  
24 Committee on Veterans’ Affairs of the House of Rep-  
25 resentatives a report identifying any additions or removals

1 to the list under paragraph (2) during the period covered  
2 by the report.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘covered veteran’ means any vet-  
5 eran who—

6 “(A) on or after August 2, 1990, per-  
7 formed active military, naval, air, or space serv-  
8 ice while assigned to a duty station in, includ-  
9 ing airspace above—

10 “(i) Bahrain;

11 “(ii) Iraq;

12 “(iii) Kuwait;

13 “(iv) Oman;

14 “(v) Qatar;

15 “(vi) Saudi Arabia;

16 “(vii) Somalia; or

17 “(viii) United Arab Emirates; or

18 “(B) on or after September 11, 2001, per-  
19 formed active military, naval, air, or space serv-  
20 ice while assigned to a duty station in, includ-  
21 ing airspace above—

22 “(i) Afghanistan;

23 “(ii) Djibouti;

24 “(iii) Egypt;

25 “(iv) Jordan;

1 “(v) Lebanon;  
2 “(vi) Syria;  
3 “(vii) Yemen;  
4 “(viii) Uzbekistan; or  
5 “(ix) any other country determined  
6 relevant by the Secretary.

7 “(2) The term ‘exposure tracking record sys-  
8 tem’—

9 “(A) means any system, program, or pilot  
10 program used by the Secretary of Veterans Af-  
11 fairs or the Secretary of Defense to track how  
12 veterans or members of the Armed Forces have  
13 been exposed to various occupational or envi-  
14 ronmental hazards; and

15 “(B) includes the Individual Longitudinal  
16 Exposure Record, or successor system.

17 “(3) The term ‘toxic exposure risk activity’ has  
18 the meaning given such term in section 1710(e)(4)  
19 of this title.”.

20 **SEC. 303. MEDICAL NEXUS EXAMINATIONS FOR TOXIC EX-**  
21 **POSURE RISK ACTIVITIES.**

22 Subchapter VI of chapter 11, as amended by section  
23 203, is further amended by adding at the end the following  
24 new section:

1   **“§ 1168. Medical nexus examinations for toxic expo-**  
2                   **sure risk activities**

3           “(a) MEDICAL EXAMINATIONS AND MEDICAL OPIN-  
4   IONS.—(1) Except as provided in subsection (b), if a vet-  
5   eran submits to the Secretary a claim for compensation  
6   for a service-connected disability under section 1110 of  
7   this title with evidence of a disability and evidence of par-  
8   ticipation in a toxic exposure risk activity during active  
9   military, naval, air, or space service, and such evidence  
10   is not sufficient to establish a service connection for the  
11   disability, the Secretary shall—

12           “(A) provide the veteran with a medical exam-  
13   ination under section 5103A(d) of this title; and

14           “(B) obtain a medical opinion (to be requested  
15   by the Secretary in connection with the medical ex-  
16   amination under subparagraph (A)) as to whether it  
17   is at least as likely as not that there is a nexus be-  
18   tween the disability and the toxic exposure risk ac-  
19   tivity.

20           “(2) When providing the Secretary with a medical  
21   opinion under paragraph (1)(B) for a veteran, the health  
22   care provider shall consider—

23           “(A) the total potential exposure through all  
24   applicable military deployments of the veteran; and

25           “(B) the synergistic, combined effect of all toxic  
26   exposure risk activities of the veteran.

1       “(3) The requirement under paragraph (2)(B) shall  
2 not be construed as requiring a health care provider to  
3 consider the synergistic, combined effect of each of the  
4 substances, chemicals, and airborne hazards identified in  
5 the list under section 1119(b)(2) of this title.

6       “(b) EXCEPTION.—Subsection (a) shall not apply if  
7 the Secretary determines there is no indication of an asso-  
8 ciation between the disability claimed by the veteran and  
9 the toxic exposure risk activity for which the veteran sub-  
10 mitted evidence.

11       “(c) TOXIC EXPOSURE RISK ACTIVITY DEFINED.—  
12 In this section, the term ‘toxic exposure risk activity’ has  
13 the meaning given that term in section 1710(e)(4) of this  
14 title.”.

## 15       **TITLE IV—PRESUMPTIONS OF** 16       **SERVICE CONNECTION**

17       **SEC. 401. TREATMENT OF VETERANS WHO PARTICIPATED**  
18               **IN CLEANUP OF ENEWETAK ATOLL AS RADI-**  
19               **ATION-EXPOSED VETERANS FOR PURPOSES**  
20               **OF PRESUMPTION OF SERVICE CONNECTION**  
21               **OF CERTAIN DISABILITIES BY DEPARTMENT**  
22               **OF VETERANS AFFAIRS.**

23       (a) SHORT TITLE.—This section may be cited as the  
24 “Mark Takai Atomic Veterans Healthcare Parity Act of  
25 2022”.

1 (b) ENEWETAK ATOLL.—Section 1112(c)(3)(B) is  
2 amended by adding at the end the following new clause:

3 “(v) Cleanup of Enewetak Atoll during the  
4 period beginning on January 1, 1977, and end-  
5 ing on December 31, 1980.”.

6 **SEC. 402. TREATMENT OF VETERANS WHO PARTICIPATED**  
7 **IN NUCLEAR RESPONSE NEAR PALOMARES,**  
8 **SPAIN, OR THULE, GREENLAND, AS RADI-**  
9 **ATION-EXPOSED VETERANS FOR PURPOSES**  
10 **OF PRESUMPTION OF SERVICE CONNECTION**  
11 **OF CERTAIN DISABILITIES BY DEPARTMENT**  
12 **OF VETERANS AFFAIRS.**

13 (a) SHORT TITLE.—This section may be cited as the  
14 “Palomares or Thule Veterans Act of 2022”.

15 (b) PALOMARES OR THULE.—Section 1112(c)(3)(B),  
16 as amended by section 401, is further amended by adding  
17 at the end the following new clauses:

18 “(vi) Onsite participation in the response  
19 effort following the collision of a United States  
20 Air Force B–52 bomber and refueling plane  
21 that caused the release of four thermonuclear  
22 weapons in the vicinity of Palomares, Spain,  
23 during the period beginning January 17, 1966,  
24 and ending March 31, 1967.

1           “(vii) Onsite participation in the response  
2           effort following the on-board fire and crash of  
3           a United States Air Force B-52 bomber that  
4           caused the release of four thermonuclear weap-  
5           ons in the vicinity of Thule Air Force Base,  
6           Greenland, during the period beginning Janu-  
7           ary 21, 1968, and ending September 25,  
8           1968.”.

9   **SEC. 403. PRESUMPTIONS OF SERVICE CONNECTION FOR**  
10                   **DISEASES ASSOCIATED WITH EXPOSURES TO**  
11                   **CERTAIN HERBICIDE AGENTS FOR VETERANS**  
12                   **WHO SERVED IN CERTAIN LOCATIONS.**

13           (a) **SHORT TITLE.**—This section may be cited as the  
14   “Veterans Agent Orange Exposure Equity Act of 2022”.

15           (b) **IN GENERAL.**—Section 1116, as amended by sec-  
16   tion 202, is further amended—

17           (1) by striking “, during active military, naval,  
18           air, or space service, served in the Republic of Viet-  
19           nam during the period beginning on January 9,  
20           1962, and ending on May 7, 1975” each place it ap-  
21           pears and inserting “performed covered service”;

22           (2) by striking “performed active military,  
23           naval, air, or space service in the Republic of Viet-  
24           nam during the period beginning on January 9,  
25           1962, and ending on May 7, 1975” each place it ap-

1       pears and inserting “performed covered service”;  
2       and

3               (3) by adding at the end the following new sub-  
4       section:

5       “(d) In this section, the term ‘covered service’ means  
6       active military, naval, air, or space service—

7               “(1) performed in the Republic of Vietnam dur-  
8       ing the period beginning on January 9, 1962, and  
9       ending on May 7, 1975;

10              “(2) performed in Thailand at any United  
11       States or Royal Thai base during the period begin-  
12       ning on January 9, 1962, and ending on June 30,  
13       1976, without regard to where on the base the vet-  
14       eran was located or what military job specialty the  
15       veteran performed;

16              “(3) performed in Laos during the period be-  
17       ginning on December 1, 1965, and ending on Sep-  
18       tember 30, 1969;

19              “(4) performed in Cambodia at Mimot or Krek,  
20       Kampong Cham Province during the period begin-  
21       ning on April 16, 1969, and ending on April 30,  
22       1969; or

23              “(5) performed on Guam or American Samoa,  
24       or in the territorial waters thereof, during the period  
25       beginning on January 9, 1962, and ending on July

1       31, 1980, or served on Johnston Atoll or on a ship  
2       that called at Johnston Atoll during the period be-  
3       ginning on January 1, 1972, and ending on Sep-  
4       tember 30, 1977.”.

5       (c) ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL  
6       SERVICES.—Section 1710(e)(4), as amended by section  
7       102(c), is further amended by striking subparagraph (A)  
8       and inserting the following new subparagraph:

9               “(A) The term ‘Vietnam-era herbicide-exposed  
10       veteran’ means a veteran who—

11               “(i) performed covered service, as defined  
12       in section 1116(d) of this title; or

13               “(ii) the Secretary finds may have been ex-  
14       posed during active military, naval, air, or space  
15       service to dioxin during the Vietnam era, re-  
16       gardless of the geographic area of such service,  
17       or was exposed during such service to a toxic  
18       substance found in a herbicide or defoliant used  
19       for military purposes during such era, regard-  
20       less of the geographic area of such service.”.

21       (d) CONFORMING AMENDMENT.—The heading for  
22       section 1116 is amended by striking “**the Republic of**  
23       **Vietnam**” and inserting “**certain locations**”.

24       (e) EFFECTIVE DATE AND APPLICABILITY.—The  
25       amendments made by this section shall take effect on the

1 date of the enactment of this Act and shall apply as fol-  
2 lows:

3 (1) On the date of the enactment of this Act for  
4 claimants for dependency and indemnity compensa-  
5 tion under chapter 13 of title 38, United States  
6 Code, and for veterans whom the Secretary of Vet-  
7 erans Affairs determines are—

8 (A) terminally ill;

9 (B) homeless;

10 (C) under extreme financial hardship;

11 (D) more than 85 years old; or

12 (E) capable of demonstrating other suffi-  
13 cient cause.

14 (2) On October 1, 2022, for everyone not de-  
15 scribed in paragraph (1).

16 **SEC. 404. ADDITION OF ADDITIONAL DISEASES ASSOCI-**  
17 **ATED WITH EXPOSURE TO CERTAIN HERBI-**  
18 **CIDE AGENTS FOR WHICH THERE IS A PRE-**  
19 **SUMPTION OF SERVICE CONNECTION FOR**  
20 **VETERANS WHO SERVED IN CERTAIN LOCA-**  
21 **TIONS.**

22 (a) **SHORT TITLE.**—This section may be cited as the  
23 “Fair Care for Vietnam Veterans Act of 2022”.

24 (b) **MONOCLONAL GAMMOPATHY OF UNDETERMINED**  
25 **SIGNIFICANCE.**—Section 1116(a)(2) of title 38, United

1 States Code, is amended by adding at the end the fol-  
2 lowing new subparagraph:

3 “(L) Monoclonal gammopathy of undetermined  
4 significance.”.

5 (c) HYPERTENSION.—Such section, as amended by  
6 subsection (b), is further amended by adding at the end  
7 the following new subparagraph:

8 “(M) Hypertension.”.

9 (d) EFFECTIVE DATES AND APPLICABILITY.—

10 (1) MONOCLONAL GAMMOPATHY OF UNDETER-  
11 MINED SIGNIFICANCE.—

12 (A) IN GENERAL.—The amendment made  
13 by subsection (b) shall take effect on the date  
14 of the enactment of this Act and shall apply as  
15 follows:

16 (i) On the date of the enactment of  
17 this Act for claimants for dependency and  
18 indemnity compensation under chapter 13  
19 of title 38, United States Code, and for  
20 veterans whom the Secretary of Veterans  
21 Affairs determines are—

22 (I) terminally ill;

23 (II) homeless;

24 (III) under extreme financial  
25 hardship;

1 (IV) more than 85 years old; or  
2 (V) capable of demonstrating  
3 other sufficient cause.

4 (ii) On October 1, 2022, for everyone  
5 not described in clause (i).

6 (B) RETROACTIVE APPLICATION.—Not-  
7 withstanding any Federal court decisions or set-  
8 tlements in effect on the day before the date of  
9 the enactment of this Act, the Secretary of Vet-  
10 erans Affairs shall award retroactive claims for  
11 a condition under section 1116(a)(2)(L) of title  
12 38, United States Code, as added by subsection  
13 (b) of this section, only to claimants for de-  
14 pendency and indemnity compensation under  
15 chapter 13 of such title described in subpara-  
16 graph (A)(i) of this paragraph.

17 (2) HYPERTENSION.—

18 (A) IN GENERAL.—The amendment made  
19 by subsection (c) shall take effect on the date  
20 of the enactment of this Act and shall apply as  
21 follows:

22 (i) On the date of the enactment of  
23 this Act for claimants for dependency and  
24 indemnity compensation under chapter 13  
25 of title 38, United States Code, and for

1 veterans whom the Secretary of Veterans  
2 Affairs determines are—

3 (I) terminally ill;

4 (II) homeless;

5 (III) under extreme financial  
6 hardship;

7 (IV) more than 85 years old; or

8 (V) capable of demonstrating  
9 other sufficient cause.

10 (ii) On October 1, 2026, for everyone  
11 not described in subparagraph (A).

12 (B) RETROACTIVE APPLICATION.—Not-  
13 withstanding any Federal court decisions or set-  
14 tlements in effect on the day before the date of  
15 the enactment of this Act, the Secretary of Vet-  
16 erans Affairs shall award retroactive claims for  
17 a condition under section 1116(a)(2)(M) of title  
18 38, United States Code, as added by subsection  
19 (c) of this section, only to claimants for depend-  
20 ency and indemnity compensation under chap-  
21 ter 13 of such title described in subparagraph  
22 (A)(i) of this paragraph.

1 **SEC. 405. IMPROVING COMPENSATION FOR DISABILITIES**  
2 **OCCURRING IN PERSIAN GULF WAR VET-**  
3 **ERANS.**

4 (a) REDUCTION IN THRESHOLD OF ELIGIBILITY.—  
5 Subsection (a)(1) of section 1117 is amended by striking  
6 “became manifest—” and all that follows through the pe-  
7 riod at the end and inserting “became manifest to any  
8 degree at any time.”.

9 (b) PERMANENT EXTENSION OF PERIOD OF ELIGI-  
10 BILITY.—Such section is further amended—

11 (1) by striking subsection (b);

12 (2) by redesignating subsections (c) and (d) as  
13 subsections (b) and (c), respectively; and

14 (3) in subsection (a)(2)(C), by striking “under  
15 subsection (d)” and inserting “under subsection  
16 (c)”.

17 (c) ESTABLISHING SINGULAR DISABILITY-BASED  
18 QUESTIONNAIRE.—Such section is further amended by in-  
19 serting after subsection (c) (as redesignated by subsection  
20 (b)) the following new subsection (d):

21 “(d) If a Persian Gulf veteran at a medical facility  
22 of the Department presents with any one symptom associ-  
23 ated with Gulf War Illness, the Secretary shall ensure that  
24 health care personnel of the Department use a disability  
25 benefits questionnaire, or successor questionnaire, de-  
26 signed to identify Gulf War Illness, in addition to any

1 other diagnostic actions the personnel determine appro-  
2 priate.”.

3 (d) EXPANSION OF DEFINITION OF PERSIAN GULF  
4 VETERAN.—Subsection (f) of such section is amended by  
5 inserting “, Afghanistan, Israel, Egypt, Turkey, Syria, or  
6 Jordan,” after “operations”.

7 (e) TRAINING.—Such section is further amended by  
8 adding at the end the following new subsection:

9 “(i)(1) The Secretary shall take such actions as may  
10 be necessary to ensure that health care personnel of the  
11 Department are appropriately trained to effectively carry  
12 out this section.

13 “(2) Not less frequently than once each year, the Sec-  
14 retary shall submit to Congress a report on the actions  
15 taken by the Secretary to carry out paragraph (1).”.

16 **SEC. 406. PRESUMPTION OF SERVICE CONNECTION FOR**  
17 **CERTAIN DISEASES ASSOCIATED WITH EXPO-**  
18 **SURE TO BURN PITS AND OTHER TOXINS.**

19 (a) SHORT TITLE.—This section may be cited as the  
20 “Presumptive Benefits for War Fighters Exposed to Burn  
21 Pits and Other Toxins Act of 2022”.

22 (b) IN GENERAL.—Subchapter II of chapter 11, as  
23 amended by section 302, is further amended by inserting  
24 after section 1119 the following new section:

1   **“§ 1120. Presumption of service connection for cer-**  
2                   **tain diseases associated with exposure to**  
3                   **burn pits and other toxins**

4           “(a) PRESUMPTION OF SERVICE CONNECTION.—For  
5 the purposes of section 1110 of this title, and subject to  
6 section 1113 of this title, a disease specified in subsection  
7 (b) becoming manifest in a covered veteran shall be con-  
8 sidered to have been incurred in or aggravated during ac-  
9 tive military, naval, air, or space service, notwithstanding  
10 that there is no record of evidence of such disease during  
11 the period of such service.

12          “(b) DISEASES SPECIFIED.—The diseases specified  
13 in this subsection are the following:

14               “(1) Asthma that was diagnosed after service of  
15 the covered veteran as specified in subsection (c).

16               “(2) The following types of cancer:

17                   “(A) Head cancer of any type.

18                   “(B) Neck cancer of any type.

19                   “(C) Respiratory cancer of any type.

20                   “(D) Gastrointestinal cancer of any type.

21                   “(E) Reproductive cancer of any type.

22                   “(F) Lymphoma cancer of any type.

23                   “(G) Lymphomatic cancer of any type.

24                   “(H) Kidney cancer.

25                   “(I) Brain cancer.

26                   “(J) Melanoma.

1 “(K) Pancreatic cancer.

2 “(3) Chronic bronchitis.

3 “(4) Chronic obstructive pulmonary disease.

4 “(5) Constrictive bronchiolitis or obliterative  
5 bronchiolitis.

6 “(6) Emphysema.

7 “(7) Granulomatous disease.

8 “(8) Interstitial lung disease.

9 “(9) Pleuritis.

10 “(10) Pulmonary fibrosis.

11 “(11) Sarcoidosis.

12 “(12) Chronic sinusitis.

13 “(13) Chronic rhinitis.

14 “(14) Glioblastoma.

15 “(15) Any other disease for which the Secretary  
16 determines, pursuant to regulations prescribed under  
17 subchapter VII that a presumption of service con-  
18 nection is warranted based on a positive association  
19 with a substance, chemical, or airborne hazard iden-  
20 tified in the list under section 1119(b)(2) of this  
21 title.

22 “(c) COVERED VETERAN DEFINED.—In this section,  
23 the term ‘covered veteran’ has the meaning given that  
24 term in section 1119(c) of this title.”.

1 (c) CONFORMING AMENDMENT.—Section 1113 is  
2 amended by striking “or 1118” each place it appears and  
3 inserting “1118, or 1120”.

4 (d) EFFECTIVE DATE AND APPLICABILITY.—The  
5 amendments made by this section shall take effect on the  
6 date of the enactment of this Act and shall apply as fol-  
7 lows:

8 (1) On the date of the enactment of this Act for  
9 claimants for dependency and indemnity compensa-  
10 tion under chapter 13 of title 38, United States  
11 Code, and veterans whom the Secretary of Veterans  
12 Affairs determines are—

13 (A) terminally ill;

14 (B) homeless;

15 (C) under extreme financial hardship;

16 (D) more than 85 years old; or

17 (E) capable of demonstrating other suffi-  
18 cient cause.

19 (2) On the date of the enactment of this Act for  
20 everyone not described in paragraph (1), with re-  
21 spect to paragraphs (1), (2)(C), (2)(I), (5), (6), (7),  
22 (8), (9), (10), (11), (12), (13), and (14), of section  
23 1120(b) of title 38, United States Code, as added by  
24 subsection (b).

1           (3) On October 1, 2023, for everyone not de-  
2       scribed in paragraph (1), with respect to paragraphs  
3       (3) and (4) of section 1120(b) of such title, as so  
4       added.

5           (4) On October 1, 2024, for everyone not de-  
6       scribed in paragraph (1), with respect to subpara-  
7       graphs (A), (B), (D), (E), (F), (G), and (K) of sec-  
8       tion 1120(b)(2) of such title, as so added.

9           (5) On October 1, 2025, for everyone not de-  
10      scribed in paragraph (1), with respect to subpara-  
11      graphs (H) and (J) of section 1120(b)(2) of such  
12      title, as so added.

13   **SEC. 407. RULE OF CONSTRUCTION.**

14       (a) **GENERALLY.**—Nothing in this Act shall be con-  
15      strued to prevent the Secretary of Veterans Affairs from  
16      processing claims for benefits under title 38, United  
17      States Code, for a condition or disease for which this Act  
18      establishes a presumption of service connection, as a claim  
19      for benefits for a condition or disease with direct service  
20      connection.

21       (b) **EFFECTIVE DATES AND APPLICABILITY.**—The  
22      Secretary shall not deny a claim for benefits under title  
23      38, United States Code, for a condition or disease for  
24      which this Act establishes a presumption of service con-  
25      nection because the claimant filed the claim prior to the

1 effective date or date of applicability for that particular  
2 condition or disease.

## 3 **TITLE V—RESEARCH MATTERS**

### 4 **SEC. 501. INTERAGENCY WORKING GROUP ON TOXIC EXPO-** 5 **SURE RESEARCH.**

6 (a) ESTABLISHMENT.—

7 (1) IN GENERAL.—Not later than one year  
8 after the date of the enactment of this Act, the Sec-  
9 retary of Veterans Affairs shall, in collaboration with  
10 the heads of the entities described in paragraph (2),  
11 establish the Toxic Exposure Research Working  
12 Group (in this section referred to as the “Working  
13 Group”).

14 (2) COMPOSITION.—The Working Group shall  
15 consist of employees, selected by the Secretary, of  
16 the following:

17 (A) The Department of Veterans Affairs.

18 (B) The Department of Defense.

19 (C) The Department of Health and  
20 Human Services.

21 (D) The Environmental Protection Agency.

22 (E) Other entities of the Federal Govern-  
23 ment involved in research activities regarding  
24 the health consequences of toxic exposures expe-

1           rienced during active military, naval, air, or  
2           space service.

3           (b) FUNCTIONS.—The Working Group shall perform  
4 the following functions:

5           (1) Identify collaborative research activities and  
6           resources available among entities represented by  
7           members of the Working Group to conduct such col-  
8           laborative research activities.

9           (2) Develop a five-year strategic plan for such  
10          entities to carry out collaborative research activities.

11          (c) REPORTING.—The Secretary shall submit to the  
12 Committee on Veterans' Affairs of the Senate and the  
13 Committee on Veterans' Affairs of the House of Rep-  
14 resentatives the following:

15           (1) Not later than one year after the date of  
16          the enactment of this Act, a report on the establish-  
17          ment of the Working Group under subsection (a).

18           (2) Not later than two years after the date of  
19          the enactment of this Act, a report containing the  
20          collaborative research activities identified, and the  
21          strategic plan developed, by the Working Group  
22          under subsection (b).

23           (3) Not less frequently than annually during  
24          the five-year period covered by the strategic plan

1 under subsection (b), a progress report on imple-  
2 mentation of the strategic plan.

3 (d) TERMINATION.—The Working Group shall termi-  
4 nate after submitting the final report under subsection (c).

5 (e) DEFINITIONS.—In this section:

6 (1) ACTIVE MILITARY, NAVAL, AIR, OR SPACE  
7 SERVICE.—The term “active military, naval, air, or  
8 space service” has the meaning given that term in  
9 section 101 of title 38, United States Code.

10 (2) COLLABORATIVE RESEARCH ACTIVITY.—  
11 The term “collaborative research activity” means a  
12 research activity—

13 (A) agreed upon by the Working Group;

14 (B) conducted by an entity represented by  
15 a member of the Working Group;

16 (C) funded by the Federal Government;  
17 and

18 (D) regarding the health consequences of  
19 toxic exposures experienced during active mili-  
20 tary, naval, air, or space service.

21 (3) TOXIC EXPOSURE.—The term “toxic expo-  
22 sure” has the meaning given such term in section  
23 101 of title 38, United States Code, as amended by  
24 section 102(b).

1 **SEC. 502. ANALYSIS AND REPORT ON TREATMENT OF VET-**  
2 **ERANS FOR MEDICAL CONDITIONS RELATED**  
3 **TO TOXIC EXPOSURE.**

4 (a) IN GENERAL.—The Secretary of Veterans Affairs  
5 shall analyze, on a continuous basis, all clinical data  
6 that—

7 (1) is obtained by the Department of Veterans  
8 Affairs in connection with hospital care, medical  
9 services, and nursing home care furnished under sec-  
10 tion 1710(a)(2)(F) of title 38, United States Code;  
11 and

12 (2) is likely to be scientifically useful in deter-  
13 mining the association, if any, between the medical  
14 condition of a veteran and a toxic exposure.

15 (b) ANNUAL REPORT.—Not later than one year after  
16 the date of the enactment of this Act, and annually there-  
17 after, the Secretary shall submit to the Committee on Vet-  
18 erans' Affairs of the Senate and the Committee on Vet-  
19 erans' Affairs of the House of Representatives a report  
20 containing the following:

21 (1) The aggregate data compiled under sub-  
22 section (a).

23 (2) An analysis of such data.

24 (3) A description of the types and incidences of  
25 medical conditions identified by the Department  
26 under such subsection.

1           (4) The explanation of the Secretary for the in-  
2           cidence of such medical conditions and other expla-  
3           nations for the incidence of such conditions as the  
4           Secretary considers reasonable.

5           (5) The views of the Secretary on the scientific  
6           validity of drawing conclusions from the incidence of  
7           such medical conditions, as evidenced by the data  
8           compiled under subsection (a), regarding any asso-  
9           ciation between such conditions and toxic exposures.

10          (c) TOXIC EXPOSURE DEFINED.—In this section, the  
11       term “toxic exposure” has the meaning given such term  
12       in section 101 of title 38, United States Code, as amended  
13       by section 102(b).

14       **SEC. 503. ANALYSIS RELATING TO MORTALITY OF VET-**  
15                               **ERANS WHO SERVED IN SOUTHWEST ASIA.**

16       (a) ANALYSIS.—

17           (1) IN GENERAL.—Not later than 270 days  
18           after the date of the enactment of this Act, the Sec-  
19           retary of Veterans Affairs, in coordination with the  
20           Secretary of Defense, shall conduct an updated anal-  
21           ysis of total and respiratory disease mortality in cov-  
22           ered veterans.

23           (2) ELEMENTS.—The analysis required by  
24           paragraph (1) shall include, to the extent prac-

1        ticable, the following with respect to each covered  
2        veteran:

3                    (A) Metrics of airborne exposures.

4                    (B) The location and timing of deploy-  
5        ments of the veteran.

6                    (C) The military occupational specialty of  
7        the veteran.

8                    (D) The Armed Force in which the veteran  
9        served.

10                   (E) Pre-existing health status of the vet-  
11        eran, including with respect to asthma.

12                   (F) Relevant personal information of the  
13        veteran, including cigarette and e-cigarette  
14        smoking history, diet, sex, gender, age, race,  
15        and ethnicity.

16        (b) COVERED VETERAN DEFINED.—In this section,  
17        the term “covered veteran” means any veteran who—

18                    (1) on or after August 2, 1990, served on active  
19        duty in—

20                    (A) Bahrain;

21                    (B) Iraq;

22                    (C) Kuwait;

23                    (D) Oman;

24                    (E) Qatar;

25                    (F) Saudi Arabia;

1 (G) Somalia; or

2 (H) the United Arab Emirates; or

3 (2) on or after September 11, 2001, served on

4 active duty in—

5 (A) Afghanistan;

6 (B) Djibouti;

7 (C) Egypt;

8 (D) Jordan;

9 (E) Lebanon;

10 (F) Syria; or

11 (G) Yemen.

12 **SEC. 504. STUDY ON HEALTH TRENDS OF POST-9/11 VET-**  
13 **ERANS.**

14 The Secretary of Veterans Affairs shall conduct an  
15 epidemiological study on the health trends of veterans who  
16 served in the Armed Forces after September 11, 2001.

17 **SEC. 505. STUDY ON CANCER RATES AMONG VETERANS.**

18 (a) IN GENERAL.—The Secretary of Veterans Affairs  
19 shall conduct a study on the incidence of cancer in vet-  
20 erans to determine trends in the rates of the incidence  
21 of cancer in veterans.

22 (b) ELEMENTS.—The study required by subsection  
23 (a) shall assess, with respect to each veteran included in  
24 the study, the following:

25 (1) The age of the veteran.

1           (2) The period of service and length of service  
2           of the veteran in the Armed Forces.

3           (3) The military occupational specialty or spe-  
4           cialties of the veteran.

5           (4) The sex of the veteran.

6           (5) The type or types of cancer that the veteran  
7           has.

8   **SEC. 506. STUDY ON HEALTH EFFECTS OF WASTE RELATED**  
9                           **TO MANHATTAN PROJECT ON CERTAIN VET-**  
10                          **ERANS.**

11       (a) STUDY.—Not later than 180 days after the date  
12 of the enactment of this Act, the Secretary of Veterans  
13 Affairs shall enter into an agreement with the National  
14 Academies of Sciences, Engineering, and Medicine for the  
15 conduct of a study on the health trends of veterans who,  
16 while serving in the active military, naval, air, or space  
17 service—

18           (1) participated in activities relating to the  
19 Manhattan Project (including activities relating to  
20 covered waste) in connection with such service; or

21           (2) resided at or near, as determined by the  
22 Secretary, the locations described in subsection (b).

23       (b) COVERED LOCATIONS.—The locations described  
24 in this subsection are the following locations:

1           (1) In the county of St. Louis, Missouri, the  
2       following:

3           (A) Coldwater Creek, Missouri.

4           (B) The St. Louis Airport Site, Missouri.

5           (C) The West Lake Landfill.

6           (2) Oak Ridge, Tennessee.

7           (3) Hanford, Washington.

8           (4) Any other location that is proximate to cov-  
9       ered waste, as determined by the Secretary.

10       (c) ELEMENTS.—The study under subsection (a)  
11 shall assess, with respect to each veteran included in the  
12 study, the following:

13           (1) The age, sex, and race of the veteran.

14           (2) The period and location of exposure to cov-  
15       ered waste.

16           (3) Any type of cancer, or other illness associ-  
17       ated with toxic exposure, that the veteran has.

18           (4) A comparison of the overall health condition  
19       of the veteran, including any illness of the veteran  
20       identified pursuant to paragraph (3), with the over-  
21       all health condition of past and present civilian pop-  
22       ulations residing at the same location of exposure, as  
23       determined by the Secretary.

24       (d) REPORT.—Not later than three years after the  
25       date of the enactment of this Act, the Secretary shall sub-

1 mit to the Committee on Veterans' Affairs of the Senate  
2 and the Committee on Veterans' Affairs of the House of  
3 Representatives a report on the study under subsection (a)  
4 and include in such report an analysis of the data available  
5 and data reliability.

6 (e) DEFINITIONS.—In this section:

7 (1) ACTIVE MILITARY, NAVAL, AIR, OR SPACE  
8 SERVICE; TOXIC EXPOSURE.—The terms “active  
9 military, naval, air, or space service” and “toxic ex-  
10 posure” have the meanings given those terms in sec-  
11 tion 101 of title 38, United States Code, as added  
12 by section 102(b).

13 (2) COVERED WASTE.—The term “covered  
14 waste” means any waste arising from activities car-  
15 ried out in connection with the Manhattan Project.

16 (3) ILLNESS.—The term “illness” has the  
17 meaning given that term in section 1171 of title 38,  
18 United States Code, as added by section 202.

19 (4) TOXIC EXPOSURE.—The term “toxic expo-  
20 sure” has the meaning given such term in section  
21 101 of title 38, United States Code, as amended by  
22 section 102(b).

1 **SEC. 507. STUDY ON TOXIC EXPOSURE AND MENTAL**  
2 **HEALTH OUTCOMES.**

3 (a) STUDY REQUIRED.—Not later than 180 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Veterans Affairs shall enter into an agreement with the  
6 National Academies of Sciences, Engineering, and Medi-  
7 cine for the conduct of a study of veterans to assess pos-  
8 sible relationships between toxic exposures experienced  
9 during service in the Armed Forces and mental health con-  
10 ditions, including chronic multisymptom illness, traumatic  
11 brain injury, post-traumatic stress disorder, depression,  
12 episodes of psychosis, schizophrenia, bipolar disorder, sui-  
13 cide attempts, and suicide deaths.

14 (b) ELEMENTS.—For each veteran included in the  
15 study under subsection (a), the following information shall  
16 be collected and assessed:

17 (1) Age.

18 (2) Sex.

19 (3) Race and ethnicity.

20 (4) Period and length of service in the Armed  
21 Forces.

22 (5) The military occupational specialty or spe-  
23 cialties of the veteran.

24 (6) History of toxic exposure during service in  
25 the Armed Forces.

1           (7) Any diagnosis of chronic multisymptom ill-  
2       ness.

3           (8) Any diagnosis of a mental health or cog-  
4       nitive disorder.

5           (9) Any history of suicide attempt or  
6       suicidality.

7           (10) If the veteran died by suicide.

8           (11) Any confounding traumatic experiences  
9       that could affect a veteran's mental health.

10       (c) REPORT.—Not later than three years after the  
11   date of the enactment of this Act, the Secretary shall sub-  
12   mit to the Committee on Veterans' Affairs of the Senate  
13   and the Committee on Veterans' Affairs of the House of  
14   Representatives a report containing the findings of the  
15   National Academies of Sciences, Engineering, and Medi-  
16   cine with respect to the study conducted under subsection  
17   (a).

18   **SEC. 508. STUDY ON VETERANS IN TERRITORIES OF THE**  
19                   **UNITED STATES.**

20       (a) GAO STUDY.—

21           (1) IN GENERAL.—The Comptroller General of  
22   the United States shall conduct a study on the state  
23   of access and barriers to benefits and services fur-  
24   nished by the Veterans Benefits Administration and  
25   the Veterans Health Administration under laws ad-

1 ministered by the Secretary of Veterans Affairs to  
2 veterans in Territories and Freely Associated States  
3 of the United States, including deficits in the avail-  
4 ability and accessibility of such benefits and services  
5 compared to veterans elsewhere in the United  
6 States.

7 (2) ELEMENTS.—The study under paragraph  
8 (1) shall include—

9 (A) the number of veterans in each Terri-  
10 tory and Freely Associated State of the United  
11 States;

12 (B) the number of veterans in each Terri-  
13 tory and Freely Associated State who are en-  
14 rolled in the system of annual patient enroll-  
15 ment of the Department of Veterans Affairs  
16 under section 1705(a) of title 38, United States  
17 Code;

18 (C) a description of how the Department  
19 estimates the number of veterans in each Terri-  
20 tory and Freely Associated State who are eligi-  
21 ble for services under section 1710 of such title  
22 but who are not enrolled as described in sub-  
23 paragraph (B);

24 (D) a detailed description of obstacles fac-  
25 ing veterans in each Territory and Freely Asso-

1           ciated State in accessing health care services,  
2           including those involving the availability of such  
3           services to veterans in the Territory or Freely  
4           Associated State in which the veterans reside,  
5           and any distance impediments to receiving serv-  
6           ices at a regional medical center of the Vet-  
7           erans Health Administration, a community-  
8           based outpatient clinic, another full-service  
9           medical facility of the Department, or a Vet  
10          Center, respectively;

11               (E) a detailed description of obstacles fac-  
12           ing veterans in each Territory and Freely Asso-  
13           ciated State in accessing readjustment coun-  
14           seling services, including those involving the  
15           availability of such services to veterans in the  
16           Territory in which the veterans reside, and any  
17           distance impediments to receiving services at a  
18           readjustment counseling services center of the  
19           Department;

20               (F) a detailed description of obstacles fac-  
21           ing veterans in each Territory and Freely Asso-  
22           ciated State in accessing non-health care vet-  
23           erans benefits, including those involving the  
24           availability of benefits and services to veterans  
25           in the Territory or Freely Associated State in

1           which the veterans reside, and any distance im-  
2           pediments to accessing the nearest office of the  
3           Veterans Benefits Administration;

4           (G) an analysis of the staffing and quality  
5           of the offices of the Veterans Benefits Adminis-  
6           tration and Veterans Health Administration  
7           charged with serving veterans in the Territories  
8           and Freely Associated States, including the  
9           availability of the full- and part-time staff of  
10          each office to the veterans they are charged  
11          with serving;

12          (H) an analysis of the availability of the  
13          Veterans Community Care Program established  
14          under section 1703 of title 38, United States  
15          Code, to veterans in each Territory and Freely  
16          Associated State;

17          (I) an analysis of the economic and health  
18          outcomes for veterans in each Territory or  
19          Freely Associated State resulting from obstacles  
20          to accessing adequate assistance and health  
21          care at facilities of the Department;

22          (J) an analysis of the access to benefit as-  
23          sistance and health care provided to veterans in  
24          the aftermath of major disasters declared in

1 each of the Territories and Freely Associated  
2 States since September 4, 2017; and

3 (K) such recommendations as the Comp-  
4 troller General considers appropriate for im-  
5 proving access of veterans in the Territories  
6 and Freely Associated States to benefits and  
7 health care services furnished by the Secretary,  
8 and reducing barriers and deficits in the avail-  
9 ability and accessibility of such benefits and  
10 services compared to veterans elsewhere in the  
11 United States.

12 (b) BRIEFING.—Not later than one year after the  
13 date of the enactment of this Act, the Comptroller General  
14 shall provide to the Committee on Veterans' Affairs of the  
15 Senate and the Committee on Veterans' Affairs of the  
16 House of Representatives a briefing setting forth the re-  
17 sults of the study conducted under subsection (a), includ-  
18 ing any recommendations developed under paragraph  
19 (2)(K) of such subsection.

20 (c) DEFINITIONS.—In this section:

21 (1) FREELY ASSOCIATED STATE.—The term  
22 “Freely Associated State” includes the Federated  
23 States of Micronesia, the Republic of the Marshall  
24 Islands, and the Republic of Palau.

1           (2) TERRITORY.—The term “Territory” in-  
2           cludes American Samoa, the Commonwealth of the  
3           Northern Marianas Islands, Guam, Puerto Rico, and  
4           the Virgin Islands.

5           (3) VET CENTER.—The term “Vet Center” has  
6           the meaning given that term in section 1712A(h) of  
7           title 38, United States Code.

8   **SEC. 509. DEPARTMENT OF VETERANS AFFAIRS PUBLIC**  
9                           **WEBSITE FOR TOXIC EXPOSURE RESEARCH.**

10          (a) WEBSITE.—Not later than one year after the date  
11       of the enactment of this Act, the Secretary of Veterans  
12       Affairs shall establish, and maintain thereafter, a publicly  
13       accessible internet website of the Department of Veterans  
14       Affairs that serves as a clearinghouse for the publication  
15       of all toxic exposure research carried out or funded by the  
16       executive branch of the Federal Government.

17          (b) COORDINATION.—In carrying out subsection (a),  
18       the Secretary shall coordinate with—

19               (1) the heads of each Federal agency carrying  
20       out or funding toxic exposure research;

21               (2) the War Related Illness and Injury Study  
22       Center of the Department of Veterans Affairs, or  
23       successor center; and

1           (3) any working group of the Department of  
2       Veterans Affairs or other similar entity responsible  
3       for coordinating toxic exposure research.

4       (c) DEFINITIONS.—In this section:

5           (1) TOXIC EXPOSURE.—The term “toxic expo-  
6       sure” has the meaning given that term in section  
7       101 of title 38, United States Code, as added by sec-  
8       tion 102(b).

9           (2) TOXIC EXPOSURE RESEARCH.—The term  
10      “toxic exposure research” means research on the  
11      health consequences of toxic exposures experienced  
12      during service in the Armed Forces.

13   **SEC. 510. REPORT ON HEALTH EFFECTS OF JET FUELS**  
14                           **USED BY ARMED FORCES.**

15      (a) INITIAL REPORT.—Not later than one year after  
16      the date of the enactment of this Act, the Secretary of  
17      Veterans Affairs shall submit to the Committee on Vet-  
18      erans’ Affairs of the Senate and the Committee on Vet-  
19      erans’ Affairs of the House of Representatives, and make  
20      publicly available, a report on health effects of jet fuels  
21      used by the Armed Forces.

22      (b) CONTENTS.—The report submitted under sub-  
23      section (a) shall include the following:

1           (1) A discussion of the effect of various dif-  
2           ferent types of jet fuels used by the Armed Forces  
3           on the health of individuals by length of exposure.

4           (2) An identification of the immediate symp-  
5           toms of jet fuel exposure that may indicate future  
6           health risks.

7           (3) A chronology of health safeguards imple-  
8           mented by the Armed Forces intended to reduce the  
9           exposure of members of the Armed Forces to jet  
10          fuel.

11          (4) An identification of any areas relating to jet  
12          fuel exposure about which new research needs to be  
13          conducted.

14          (c) FOLLOW-UP REPORT.—Not later than five years  
15 after the date of the submittal of the report under sub-  
16 section (a), the Secretary shall submit to the committees  
17 referred to in such subsection an update to such report.

18 **TITLE VI—IMPROVEMENT OF RE-**  
19 **SOURCES AND TRAINING RE-**  
20 **GARDING           TOXIC-EXPOSED**  
21 **VETERANS**

22 **SEC. 601. SHORT TITLE; DEFINITIONS.**

23          (a) SHORT TITLE.—This title may be cited as the  
24 “Fairly Assessing Service-related Toxic Exposure Residu-

1 als Presumptions Act of 2022” or the “FASTER Pre-  
2 sumption Act of 2022”.

3 (b) DEFINITIONS.—In this title, the terms “active  
4 military, naval, air, or space service”, “toxic exposure”,  
5 and “toxic-exposed veteran” have the meanings given  
6 those terms in section 101 of title 38, United States Code,  
7 as amended by section 102.

8 **SEC. 602. PUBLICATION OF LIST OF RESOURCES OF DE-**  
9 **PARTMENT OF VETERANS AFFAIRS FOR**  
10 **TOXIC-EXPOSED VETERANS AND VETERANS**  
11 **WHO REPORT TOXIC EXPOSURES AND OUT-**  
12 **REACH PROGRAM FOR SUCH VETERANS AND**  
13 **CAREGIVERS AND SURVIVORS OF SUCH VET-**  
14 **ERANS.**

15 (a) PUBLICATION OF LIST OF RESOURCES.—

16 (1) IN GENERAL.—Not later than one year  
17 after the date of the enactment of this Act, and an-  
18 nually thereafter, the Secretary of Veterans Affairs  
19 shall publish a list of resources of the Department  
20 of Veterans Affairs for—

21 (A) toxic-exposed veterans and veterans  
22 who report toxic exposure;

23 (B) families and caregivers of such vet-  
24 erans; and

1 (C) survivors of such veterans who are re-  
2 ceiving death benefits under the laws adminis-  
3 tered by the Secretary.

4 (2) UPDATE.—The Secretary shall periodically  
5 update the list published under paragraph (1).

6 (b) OUTREACH.—The Secretary shall develop, with  
7 input from the community, an informative outreach pro-  
8 gram for veterans on illnesses that may be related to toxic  
9 exposures, including outreach with respect to benefits and  
10 support programs.

11 **SEC. 603. INCORPORATION OF TOXIC EXPOSURE SCREEN-**  
12 **ING FOR VETERANS.**

13 (a) IN GENERAL.—Beginning not later than 90 days  
14 after the date of the enactment of this Act, the Secretary  
15 of Veterans Affairs shall incorporate a screening to help  
16 determine potential toxic exposures during active military,  
17 naval, air, or space service as part of a health care screen-  
18 ing furnished by the Department of Veterans Affairs to  
19 veterans enrolled in the system of annual patient enroll-  
20 ment of the Department established and operated under  
21 section 1705 of title 38, United States Code, to improve  
22 understanding by the Department of toxic exposures while  
23 serving in the Armed Forces.

24 (b) TIMING.—The Secretary shall ensure that a vet-  
25 eran described in subsection (a) completes the screening

1 required under such subsection not less frequently than  
2 once every five years.

3 (c) DETERMINATION OF QUESTIONS.—

4 (1) IN GENERAL.—The questions included in  
5 the screening required under subsection (a) shall be  
6 determined by the Secretary with input from medical  
7 professionals.

8 (2) SPECIFIC QUESTIONS.—At a minimum, the  
9 screening required under subsection (a) shall, with  
10 respect to a veteran, include—

11 (A) a question about the potential exposure  
12 of the veteran to an open burn pit; and

13 (B) a question regarding toxic exposures  
14 that are commonly associated with service in  
15 the Armed Forces.

16 (3) OPEN BURN PIT DEFINED.—In this sub-  
17 section, the term “open burn pit” means an area of  
18 land that—

19 (A) is designated by the Secretary of De-  
20 fense to be used for disposing solid waste by  
21 burning in the outdoor air; and

22 (B) does not contain a commercially manu-  
23 factured incinerator or other equipment specifi-  
24 cally designed and manufactured for the burn-  
25 ing of solid waste.

1 (d) PRINT MATERIAL.—In developing the screening  
2 established under subsection (a), the Secretary shall en-  
3 sure that print materials complementary to such screening  
4 that outline related resources for veterans are available at  
5 each medical center of the Department to veterans who  
6 may not have access to the internet.

7 (e) SCREENING UPDATES.—The Secretary shall con-  
8 sider updates to the content of the screening required  
9 under subsection (a) not less frequently than biennially to  
10 ensure the screening contains the most current informa-  
11 tion.

12 **SEC. 604. TRAINING FOR PERSONNEL OF THE DEPART-**  
13 **MENT OF VETERANS AFFAIRS WITH RESPECT**  
14 **TO VETERANS WHO REPORT TOXIC EXPO-**  
15 **SURES.**

16 (a) HEALTH CARE PERSONNEL.—The Secretary of  
17 Veterans Affairs shall provide to health care personnel of  
18 the Department of Veterans Affairs education and train-  
19 ing to identify, treat, and assess the impact on veterans  
20 of illnesses related to toxic exposures and inform such per-  
21 sonnel of how to ask for additional information from vet-  
22 erans regarding different toxic exposures.

23 (b) BENEFITS PERSONNEL.—

24 (1) IN GENERAL.—The Secretary shall incor-  
25 porate a training program for processors of claims

1 under the laws administered by the Secretary who  
2 review claims for disability benefits relating to serv-  
3 ice-connected disabilities based on toxic exposures.

4 (2) ANNUAL TRAINING.—Training provided to  
5 processors under paragraph (1) shall be provided not  
6 less frequently than annually.

## 7 **TITLE VII—RESOURCING**

### 8 **SEC. 701. AUTHORITY TO USE APPROPRIATIONS TO EN-** 9 **HANCE CLAIMS PROCESSING CAPACITY AND** 10 **AUTOMATION.**

11 (a) AUTHORITY.—The Secretary of Veterans Affairs  
12 may use, from amounts appropriated to the Cost of War  
13 Toxic Exposures Fund established by section 324 of title  
14 38, United States Code, as added by section 805 of this  
15 Act, such amounts as may be necessary to continue the  
16 modernization, development, and expansion of capabilities  
17 and capacity of information technology systems and infra-  
18 structure of the Veterans Benefits Administration, includ-  
19 ing for claims automation, to support expected increased  
20 claims processing for newly eligible veterans pursuant to  
21 this Act.

22 (b) PLAN FOR MODERNIZATION OF VETERANS BEN-  
23 EFITS ADMINISTRATION INFORMATION TECHNOLOGY  
24 SYSTEMS.—

1           (1) IN GENERAL.—Not later than 180 days  
2           after the date of the enactment of this Act, the Sec-  
3           retary of Veterans Affairs shall submit to the appro-  
4           priate congressional committees a plan for the mod-  
5           ernization of the information technology systems of  
6           the Veterans Benefits Administration. The plan shall  
7           cover the first fiscal year that begins after the date  
8           of the enactment of this Act and the subsequent  
9           four fiscal years and shall include each of the fol-  
10          lowing:

11                   (A) An identification of any information  
12                   system to be modernized or retired, if applica-  
13                   ble, during the period covered by the plan.

14                   (B) A description of how the Secretary in-  
15                   tends to incorporate the following principles  
16                   into the modernization of such information sys-  
17                   tems:

18                           (i) The purpose of automation should  
19                           be to increase the speed and accuracy of  
20                           claims processing decisions.

21                           (ii) Automation should be conducted  
22                           in a manner that enhances the productivity  
23                           of employees of the Department of Vet-  
24                           erans Affairs.

1 (iii) Automation should be carried out  
2 in a manner that achieves greater consist-  
3 ency in the processing and rating of claims  
4 by relying on patterns of similar evidence  
5 in claim files.

6 (iv) To the greatest extent possible,  
7 automation should be carried out by draw-  
8 ing from information in the possession of  
9 the Department, other Government agen-  
10 cies, and applicants for benefits.

11 (v) Automation of any claims analysis  
12 or determination process should not be  
13 end-to-end or lack intermediation.

14 (vi) Employees of the Department  
15 should continue to make decisions with re-  
16 spect to the approval of claims and the  
17 granting of benefits.

18 (vii) Automation should not be carried  
19 out in a manner that reduces or infringes  
20 upon the due process rights of applicants  
21 for benefits under the laws administered by  
22 the Secretary; or the duties of the Sec-  
23 retary to assist and notify claimants.

24 (C) An identification of targets, for each  
25 fiscal year, by which the Secretary intends to

1 complete the modernization of each information  
2 system or major component or functionality of  
3 such system identified under subparagraph (A).

4 (D) Cost estimates for the modernization  
5 of each information system identified under  
6 paragraph (A) for each fiscal year covered by  
7 the plan and in total.

8 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
9 TEES.—In this section, the term “appropriate con-  
10 gressional committees” means—

11 (A) the Committee on Veterans’ Affairs  
12 and the Subcommittee on Military Construc-  
13 tion, Veterans Affairs, and Related Agencies of  
14 the Committee on Appropriations of the Senate;  
15 and

16 (B) the Committee on Veterans’ Affairs  
17 and the Subcommittee on Military Construc-  
18 tion, Veterans Affairs, and Related Agencies of  
19 the Committee on Appropriations of the House  
20 of Representatives.

1 **SEC. 702. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
2 **LEASES OF DEPARTMENT OF VETERANS AF-**  
3 **FAIRS FOR FISCAL YEAR 2023.**

4 (a) IN GENERAL.—The Secretary of Veterans Affairs  
5 may carry out the following major medical facility leases  
6 in fiscal year 2023:

7 (1) Lease for an outpatient clinic in the vicinity  
8 of Allentown, Pennsylvania, in an estimated amount  
9 of \$31,832,000.

10 (2) Lease for a facility for member services for  
11 the Veterans Health Administration in the vicinity  
12 of Atlanta, Georgia, in an estimated amount of  
13 \$27,134,000.

14 (3) Lease for an outpatient clinic in the vicinity  
15 of Baltimore, Maryland, in an estimated amount of  
16 \$43,041,000.

17 (4) Lease for an outpatient clinic in the vicinity  
18 of Baton Rouge, Louisiana, in an estimated amount  
19 of \$29,550,000.

20 (5) Lease for an outpatient clinic in the vicinity  
21 of Beaufort, South Carolina, in an estimated amount  
22 of \$24,254,000.

23 (6) Lease for an outpatient clinic in the vicinity  
24 of Beaumont, Texas, in an estimated amount of  
25 \$15,632,000.

1           (7) Lease for an outpatient clinic in the vicinity  
2           of Brainerd, Minnesota, in an estimated amount of  
3           \$14,669,000.

4           (8) Lease for a facility for research in the vicin-  
5           ity of Buffalo, New York, in an estimated amount  
6           of \$11,106,000.

7           (9) Lease for an outpatient clinic in the vicinity  
8           of Clarksville, Tennessee, in an estimated amount of  
9           \$75,135,000.

10          (10) Lease of a facility for research in the vi-  
11          cinity of Columbia, Missouri, in an estimated  
12          amount of \$20,726,000.

13          (11) Lease for an outpatient clinic in the vicin-  
14          ity of Cookeville, Tennessee, in an estimated amount  
15          of \$10,958,000.

16          (12) Lease for a residential treatment facility in  
17          the vicinity of Denver, Colorado, in an estimated  
18          amount of \$9,133,000.

19          (13) Lease for an outpatient clinic in the vicin-  
20          ity of Elizabethtown, Kentucky, in an estimated  
21          amount of \$16,671,000.

22          (14) Lease for an outpatient clinic in the vicin-  
23          ity of Farmington, Missouri, in an estimated amount  
24          of \$17,940,000.

1           (15) Lease for an outpatient clinic in the vicin-  
2           ity of Hampton, Virginia, in an estimated amount of  
3           \$63,085,000.

4           (16) Lease for an outpatient clinic in the vicin-  
5           ity of Jacksonville, North Carolina, in an estimated  
6           amount of \$61,450,000.

7           (17) Lease for an outpatient clinic in the vicin-  
8           ity of Killeen, Texas, in an estimated amount of  
9           \$61,030,000.

10          (18) Lease for an outpatient clinic in the vicin-  
11          ity of Lawrence, Indiana, in an estimated amount of  
12          \$15,811,000.

13          (19) Lease for an outpatient clinic in the vicin-  
14          ity of Lecanto, Florida, in an estimated amount of  
15          \$15,373,000.

16          (20) Lease for an outpatient clinic in the vicin-  
17          ity of Nashville, Tennessee, in an estimated amount  
18          of \$58,038,000.

19          (21) Lease for an outpatient clinic in the vicin-  
20          ity of North Kansas City, Missouri, in an estimated  
21          amount of \$40,027,000.

22          (22) Lease for an outpatient clinic in the vicin-  
23          ity of Pflugerville, Texas, in an estimated amount of  
24          \$16,654,000.

1           (23) Lease for an outpatient clinic in the vicin-  
2           ity of Plano, Texas, in an estimated amount of  
3           \$32,796,000.

4           (24) Lease for an outpatient clinic in the vicin-  
5           ity of Prince George's County, Maryland, in an esti-  
6           mated amount of \$31,754,000.

7           (25) Lease for an outpatient clinic in the vicin-  
8           ity of Rolla, Missouri, in an estimated amount of  
9           \$21,352,000.

10          (26) Lease for an outpatient clinic in the vicin-  
11          ity of Salt Lake City, Utah, in an estimated amount  
12          of \$29,466,000.

13          (27) Lease for an outpatient clinic in the vicin-  
14          ity of Sarasota, Florida, in an estimated amount of  
15          \$36,517,000.

16          (28) Lease for an outpatient clinic in the vicin-  
17          ity of Springfield, Massachusetts, in an estimated  
18          amount of \$30,918,000.

19          (29) Lease for a community living center in the  
20          vicinity of Tampa, Florida, in an estimated amount  
21          of \$51,682,000.

22          (30) Lease for an outpatient clinic in the vicin-  
23          ity of The Villages, Florida, in an estimated amount  
24          of \$48,267,000.

1           (31) Lease for an outpatient clinic in the vicin-  
2           ity of Tri-Cities, Washington, in an estimated  
3           amount of \$36,136,000.

4           (b) TREATMENT OF AUTHORIZATIONS.—The author-  
5           ization of leases under subsection (a) shall be considered  
6           to be a specific authorization by law of the funds for such  
7           leases for purposes of section 8104(a)(2) of title 38,  
8           United States Code, as in effect on the day before the date  
9           of the enactment of this Act.

10          (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
11          authorized to be appropriated to the Secretary of Veterans  
12          Affairs for fiscal year 2023, or the year in which funds  
13          are appropriated for the Medical Facilities account,  
14          \$998,137,000 for the leases authorized in subsection (a).

15       **SEC. 703. TREATMENT OF MAJOR MEDICAL FACILITY**  
16                       **LEASES OF THE DEPARTMENT OF VETERANS**  
17                       **AFFAIRS.**

18          (a) CONGRESSIONAL APPROVAL OF MAJOR MEDICAL  
19          FACILITY LEASES.—Paragraph (2) of subsection (a) of  
20          section 8104 of title 38, United States Code, is amended—

21               (1) by striking “No funds” and inserting “(A)  
22          No funds”;

23               (2) by striking “or any major medical facility  
24          lease”;

25               (3) by striking “or lease”; and

1 (4) by adding at the end the following new sub-  
2 paragraph:

3 “(B) No funds may be appropriated for any fis-  
4 cal year, and the Secretary may not obligate or ex-  
5 pend funds (other than for advance planning and de-  
6 sign), for any major medical facility lease unless the  
7 Committee on Veterans’ Affairs of the Senate and  
8 the Committee on Veterans’ Affairs of the House of  
9 Representatives each adopt a resolution approving  
10 the lease.”.

11 (b) MODIFICATION OF DEFINITION OF MAJOR MED-  
12 ICAL FACILITY LEASE.—Subparagraph (B) of paragraph  
13 (3) of such subsection is amended to read as follows:

14 “(B) The term ‘major medical facility lease’—

15 “(i) means a lease for space for use as a  
16 new medical facility approved through the Gen-  
17 eral Services Administration under section  
18 3307(a) of title 40 at an average annual rent  
19 equal to or greater than the appropriate dollar  
20 threshold described in such section, which shall  
21 be subject to annual adjustment in accordance  
22 with section 3307(h) of such title; and

23 “(ii) does not include a lease for space for  
24 use as a shared Federal medical facility for  
25 which the Department’s estimated share of the

1 lease costs does not exceed such dollar thresh-  
2 old.”.

3 (c) SEPARATE PROSPECTUS REQUIREMENT FOR  
4 MAJOR MEDICAL FACILITY LEASES.—Subsection (b) of  
5 such section is amended—

6 (1) by striking paragraph (7);

7 (2) in paragraph (1), by redesignating subpara-  
8 graphs (A) through (E) as clauses (i) through (v),  
9 respectively;

10 (3) in paragraph (6), by redesignating subpara-  
11 graphs (A) through (C) as clauses (i) through (iii),  
12 respectively;

13 (4) by redesignating paragraphs (1) through  
14 (6) as subparagraphs (A) through (F), respectively;

15 (5) in the matter preceding subparagraph (A),  
16 as redesignated by paragraph (4)—

17 (A) by striking “Whenever the President”  
18 and inserting “(1) Whenever the President”;

19 (B) by striking “the Congress” and insert-  
20 ing “Congress”; and

21 (C) by striking “or a major medical facility  
22 lease (as defined in subsection (a)(3)(b))”;

23 (6) in subparagraph (A), as redesignated by  
24 paragraph (4), by striking “leased,”;

1 (7) in subparagraph (E), as redesignated by  
2 paragraph (4)—

3 (A) by striking “or lease” each place it ap-  
4 pears; and

5 (B) by striking “or leases”; and

6 (8) by adding at the end the following new  
7 paragraph:

8 “(2) Whenever the President or the Secretary submit  
9 to Congress a request for the funding of a major medical  
10 facility lease (as defined in subsection (a)(3)(B)), the Sec-  
11 retary shall submit to each committee, on the same day,  
12 a prospectus of the proposed medical facility. Any such  
13 prospectus shall include the following:

14 “(A) A description of the facility to be leased.

15 “(B) An estimate of the cost to the Federal  
16 Government of the facility to be leased.

17 “(C) An estimate of the energy performance of  
18 the proposed lease space, to include a description of  
19 anticipated utilization of renewable energy, energy  
20 efficient and climate resilient elements, and related  
21 matters.

22 “(D) Current and projected workload and utili-  
23 zation data regarding the facility to be leased, in-  
24 cluding information on projected changes in work-

1 load and utilization over a five-year period, a ten-  
2 year period, and a twenty-year period.

3 “(E) A detailed analysis of how the lease is ex-  
4 pected to comply with Office of Management and  
5 Budget Circular A-11 and section 1341 of title 31  
6 (commonly referred to as the ‘Anti-Deficiency Act’).  
7 Any such analysis shall include—

8 “(i) an analysis of the classification of the  
9 lease as a ‘lease purchase’, a ‘capital lease’, or  
10 an ‘operating lease’ as those terms are defined  
11 in Office of Management and Budget Circular  
12 A-11;

13 “(ii) an analysis of the obligation of budg-  
14 etary resources associated with the lease; and

15 “(iii) an analysis of the methodology used  
16 in determining the asset cost, fair market value,  
17 and cancellation costs of the lease.”.

18 (d) INTERIM LEASING ACTIONS.—Such section is  
19 further amended by adding at the end the following new  
20 subsection:

21 “(i)(1) Notwithstanding subsection (a)(2)(B), the  
22 Secretary may carry out interim leasing actions as the  
23 Secretary considers necessary for the following leases:

24 “(A) Major medical facility leases (as defined in  
25 subsection (a)(3)(B)) approved pursuant to this sec-

1       tion and for which a prospectus for a replacement  
2       lease has been submitted to Congress pursuant to  
3       subsection (b)(2).

4           “(B) Replacement leases that do not require  
5       approval under this section and for which a pro-  
6       spectus has been submitted to Congress pursuant to  
7       subsection (b)(2).

8       “(2) In this subsection, the term ‘interim leasing ac-  
9       tions’ has the meaning given that term by the Adminis-  
10      trator of the General Services Administration.”.

11       (e) PURCHASE OPTIONS.—Such section is further  
12      amended by adding at the end the following new sub-  
13      section:

14       “(j) The Secretary may obligate and expend funds  
15      to exercise a purchase option included in any major med-  
16      ical facility lease (as defined in subsection (a)(3)(B)).”.

17       (f) APPLICABILITY.—The amendments made by this  
18      section shall apply with respect to any lease that has not  
19      been specifically authorized by law on or before the date  
20      of the enactment of this Act.

1   **SEC. 704. AUTHORITY TO ENTER INTO AGREEMENTS WITH**  
2                   **ACADEMIC AFFILIATES AND OTHER ENTITIES**  
3                   **TO ACQUIRE SPACE FOR THE PURPOSE OF**  
4                   **PROVIDING HEALTH-CARE RESOURCES TO**  
5                   **VETERANS.**

6       Section 8103 of title 38, United States Code, is  
7 amended by adding at the end the following new sub-  
8 section:

9       “(h)(1) Notwithstanding any other provision of law  
10 requiring the use of competitive procedures, including sec-  
11 tion 2304 of title 10, when the Secretary determines it  
12 to be in the best interest of the Department, the Secretary  
13 may enter into a lease with an academic affiliate or cov-  
14 ered entity to acquire space for the purpose of providing  
15 health-care resources to veterans.

16       “(2) In this subsection:

17               “(A) The term ‘academic affiliate’ means an in-  
18 stitution or organization described in section  
19 7302(d) of this title.

20               “(B) The term ‘covered entity’ means a unit or  
21 subdivision of a State, local, or municipal govern-  
22 ment, public or nonprofit agency, institution, or or-  
23 ganization, or other institution or organization as  
24 the Secretary considers appropriate that owns prop-  
25 erty controlled by an academic affiliate to be leased  
26 under this subsection.

1           “(C) The term ‘health -care resource’ has the  
2           meaning given that term in section 8152(1) of this  
3           title.

4           “(D) The term ‘space’ means any room, unit,  
5           floor, wing, building, parking facility, or other sub-  
6           division of a building or facility owned or controlled  
7           by an academic affiliate.”.

8   **SEC. 705. MODIFICATIONS TO ENHANCED-USE LEASE AU-**  
9                           **THORITY OF DEPARTMENT OF VETERANS AF-**  
10                          **FAIRS.**

11           (a) MODIFICATIONS TO AUTHORITY.—Paragraph (2)  
12           of section 8162(a) of title 38, United States Code, is  
13           amended to read as follows:

14           “(2)(A) The Secretary may enter into an enhanced-  
15           use lease on or after the date of the enactment of this  
16           paragraph only if the Secretary determines—

17                       “(i) that the lease will not be inconsistent with,  
18           and will not adversely affect—

19                               “(I) the mission of the Department; or

20                               “(II) the operation of facilities, programs,  
21           and services of the Department in the area of  
22           the leased property; and

23                       “(ii) that—

1           “(I) the lease will enhance the use of the  
2           leased property by directly or indirectly benefit-  
3           ting veterans; or

4           “(II) the leased property will provide sup-  
5           portive housing.

6           “(B) The Secretary shall give priority to enhanced-  
7           use leases that, on the leased property—

8           “(i) provide supportive housing for veterans;

9           “(ii) provide direct services or benefits targeted  
10          to veterans; or

11          “(iii) provide services or benefits that indirectly  
12          support veterans.”.

13          (b) EXTENSION OF MAXIMUM TERM OF ENHANCED-  
14          USE LEASE.—Section 8162(b)(2) of such title is amended  
15          by striking “75 years” and inserting “99 years”.

16          (c) MODIFICATION OF USE OF PROCEEDS.—Section  
17          8165(a)(1) of such title is amended by striking “shall be  
18          deposited in the Department of Veterans Affairs Medical  
19          Care Collections Fund established under section 1729A of  
20          this title.” and inserting “shall, at the discretion of the  
21          Secretary, be deposited in—

22                 “(A) the Department of Veterans Affairs Med-  
23                 ical Care Collections Fund established under section  
24                 1729A of this title; or

1           “(B) the Medical Facilities or Construction,  
2       Minor Projects account of the Department to be  
3       used to defray the costs of administration, mainte-  
4       nance, repair, and related expenses incurred by the  
5       Department with respect to property that is owned  
6       by or under the jurisdiction or control of the Depart-  
7       ment.”.

8       (d) REPEAL OF SUNSET.—Section 8169 of such title  
9       is repealed.

10       (e) APPROPRIATION.—In addition to amounts other-  
11      wise available, there is appropriated for fiscal year 2022,  
12      out of any funds in the Treasury not otherwise appro-  
13      priated, \$922,000,000 for an additional amount for the  
14      Department of Veterans Affairs, to remain available until  
15      expended, to enter into enhanced-use leases pursuant to  
16      section 8162 of title 38, United States Code, as amended  
17      by this section.

18   **SEC. 706. AUTHORITY FOR JOINT LEASING ACTIONS OF DE-**  
19                           **PARTMENT OF DEFENSE AND DEPARTMENT**  
20                           **OF VETERANS AFFAIRS.**

21       (a) DEPARTMENT OF DEFENSE.—Section 1104A of  
22      title 10, United States Code, is amended—

23           (1) by inserting “, or the leasing,” after “de-  
24      sign, and construction” each place it appears; and

1           (2) in subsection (c)(2), by inserting “, or the  
2       leasing,” after “design”.

3       (b) DEPARTMENT OF VETERANS AFFAIRS.—Section  
4       8111B of title 38, United States Code, is amended—

5           (1) in subsection (a), by inserting “, or the  
6       leasing,” after “design, and construction”;

7           (2) in subsection (b), by adding at the end the  
8       following new paragraph:

9       “(3) The Secretary of Veterans Affairs may transfer  
10      to the Department of Defense amounts appropriated to  
11      the ‘Medical Facilities’ account of the Department of Vet-  
12      erans Affairs for the purpose of leasing space for a shared  
13      medical facility if the estimated share of the Department  
14      of Veterans Affairs for the lease costs does not exceed the  
15      amount specified in section 8104(a)(3)(B) of this title.”;  
16      and

17           (3) in subsection (c), by adding at the end the  
18      following new paragraph:

19      “(3) Any amount transferred to the Secretary of Vet-  
20      erans Affairs by the Secretary of Defense for the purpose  
21      of leasing space for a shared medical facility may be cred-  
22      ited to the ‘Medical Facilities’ account of the Department  
23      of Veterans Affairs and may be used for such purpose.”.

1   **SEC. 707. APPROPRIATION OF AMOUNTS FOR MAJOR MED-**  
2                   **ICAL FACILITY LEASES.**

3           (a) FISCAL YEAR 2023.—In addition to amounts oth-  
4   erwise available, there is appropriated for fiscal year 2023,  
5   out of any funds in the Treasury not otherwise appro-  
6   priated, \$1,880,000,000 for an additional amount for the  
7   Medical Facilities account of the Department of Veterans  
8   Affairs, to remain available until expended, for major med-  
9   ical facility leases authorized by section 702.

10          (b) ADDITIONAL YEARS.—In addition to amounts  
11   otherwise available, there is appropriated, out of any funds  
12   in the Treasury not otherwise appropriated, for an addi-  
13   tional amount for the Medical Facilities account of the De-  
14   partment of Veterans Affairs, to remain available until ex-  
15   pended, for major medical facility leases authorized by sec-  
16   tion 702 or approved pursuant to subchapter I of chapter  
17   81 of title 38, United States Code, as amended by section  
18   703—

19                   (1) \$100,000,000 for fiscal year 2024;

20                   (2) \$200,000,000 for fiscal year 2025;

21                   (3) \$400,000,000 for fiscal year 2026;

22                   (4) \$450,000,000 for fiscal year 2027;

23                   (5) \$600,000,000 for fiscal year 2028;

24                   (6) \$610,000,000 for fiscal year 2029;

25                   (7) \$620,000,000 for fiscal year 2030; and

26                   (8) \$650,000,000 for fiscal year 2031.

1           **TITLE VIII—RECORDS AND**  
2                   **OTHER MATTERS**

3   **SEC. 801. EPIDEMIOLOGICAL STUDY ON FORT MCCLELLAN**  
4                   **VETERANS.**

5           The Secretary of Veterans Affairs shall conduct an  
6   epidemiological study on the health trends of veterans who  
7   served in the Armed Forces at Fort McClellan at any time  
8   during the period beginning January 1, 1935, and ending  
9   on May 20, 1999.

10   **SEC. 802. BIENNIAL BRIEFING ON INDIVIDUAL LONGITU-**  
11                   **DINAL EXPOSURE RECORD.**

12           (a) IN GENERAL.—Not later than one year after the  
13   date on which the Individual Longitudinal Exposure  
14   Record achieves full operational capability, as determined  
15   by the Secretary of Defense, and every two years there-  
16   after, the Secretary of Defense, in consultation with the  
17   Secretary of Veterans Affairs, shall provide the appro-  
18   priate committees of Congress a briefing on—

19                   (1) the quality of the databases of the Depart-  
20   ment of Defense that provide the information pre-  
21   sented in such Individual Longitudinal Exposure  
22   Record; and

23                   (2) the usefulness of such Individual Longitu-  
24   dinal Exposure Record or system in supporting  
25   members of the Armed Forces and veterans in re-

1       ceiving health care and benefits from the Depart-  
2       ment of Defense and the Department of Veterans  
3       Affairs.

4       (b) ELEMENTS.—Each briefing required by sub-  
5       section (a) shall include, for the period covered by the re-  
6       port, the following:

7               (1) An identification of potential exposures to  
8       occupational or environmental hazards captured by  
9       the current systems of the Department of Defense  
10      for environmental, occupational, and health moni-  
11      toring, and recommendations for how to improve  
12      those systems.

13              (2) An analysis of the quality and accuracy of  
14      the location data used by the Department of Defense  
15      in determining potential exposures to occupational or  
16      environmental hazards by members of the Armed  
17      Forces and veterans, and recommendations for how  
18      to improve the quality of such data if necessary.

19      (c) DEFINITIONS.—In this section:

20              (1) APPROPRIATE COMMITTEES OF CON-  
21      GRESS.—The term “appropriate committees of Con-  
22      gress” means—

23                      (A) the Committee on Armed Services and  
24                      the Committee on Veterans’ Affairs of the Sen-  
25                      ate; and

1 (B) the Committee on Armed Services and  
2 the Committee on Veterans' Affairs of the  
3 House of Representatives.

4 (2) INDIVIDUAL LONGITUDINAL EXPOSURE  
5 RECORD.—The term “Individual Longitudinal Expo-  
6 sure Record” has the meaning given such term in  
7 section 1171 of title 38, United States Code, as  
8 added by section 202.

9 **SEC. 803. CORRECTION OF EXPOSURE RECORDS BY MEM-**  
10 **BERS OF THE ARMED FORCES AND VET-**  
11 **ERANS.**

12 (a) IN GENERAL.—The Secretary of Veterans Affairs  
13 shall coordinate with the Secretary of Defense to provide  
14 a means for veterans to update their records as necessary  
15 to reflect exposures to occupational or environmental haz-  
16 ards by such member or veteran in the Individual Longitu-  
17 dinal Exposure Record.

18 (b) EVIDENCE.—

19 (1) PROVISION OF EVIDENCE.—To update a  
20 record under subsection (a), a veteran shall provide  
21 such evidence as the Secretary of Veterans Affairs  
22 considers necessary.

23 (2) REGULATIONS.—The Secretary of Veterans  
24 Affairs shall prescribe by regulation the evidence  
25 considered necessary under paragraph (1).

1 (c) DEFINITIONS.—In this section:

2 (1) INDIVIDUAL LONGITUDINAL EXPOSURE  
3 RECORD.—The term “Individual Longitudinal Expo-  
4 sure Record” has the meaning given such term in  
5 section 1171 of title 38, United States Code, as  
6 added by section 202.

7 (2) TOXIC EXPOSURE.—The term “toxic expo-  
8 sure” has the meaning given such term in section  
9 101 of title 38, United States Code, as amended by  
10 section 102(b).

11 **SEC. 804. FEDERAL CAUSE OF ACTION RELATING TO**  
12 **WATER AT CAMP LEJEUNE, NORTH CARO-**  
13 **LINA.**

14 (a) SHORT TITLE.—This section may be cited as the  
15 “Camp Lejeune Justice Act of 2022”.

16 (b) IN GENERAL.—An individual, including a veteran  
17 (as defined in section 101 of title 38, United States Code),  
18 or the legal representative of such an individual, who re-  
19 sided, worked, or was otherwise exposed (including in  
20 utero exposure) for not less than 30 days during the pe-  
21 riod beginning on August 1, 1953, and ending on Decem-  
22 ber 31, 1987, to water at Camp Lejeune, North Carolina,  
23 that was supplied by, or on behalf of, the United States  
24 may bring an action in the United States District Court  
25 for the Eastern District of North Carolina to obtain ap-

1 appropriate relief for harm that was caused by exposure to  
2 the water at Camp Lejeune.

3 (c) BURDENS AND STANDARD OF PROOF.—

4 (1) IN GENERAL.—The burden of proof shall be  
5 on the party filing the action to show one or more  
6 relationships between the water at Camp Lejeune  
7 and the harm.

8 (2) STANDARDS.—To meet the burden of proof  
9 described in paragraph (1), a party shall produce  
10 evidence showing that the relationship between expo-  
11 sure to the water at Camp Lejeune and the harm  
12 is—

13 (A) sufficient to conclude that a causal re-  
14 lationship exists; or

15 (B) sufficient to conclude that a causal re-  
16 lationship is at least as likely as not.

17 (d) EXCLUSIVE JURISDICTION AND VENUE.—The  
18 United States District Court for the Eastern District of  
19 North Carolina shall have exclusive jurisdiction over any  
20 action filed under subsection (b), and shall be the exclusive  
21 venue for such an action. Nothing in this subsection shall  
22 impair the right of any party to a trial by jury.

23 (e) EXCLUSIVE REMEDY.—

24 (1) IN GENERAL.—An individual, or legal rep-  
25 resentative of an individual, who brings an action

1 under this section for a harm described in subsection  
2 (b), including a latent disease, may not thereafter  
3 bring a tort action against the United States for  
4 such harm pursuant to any other law.

5 (2) HEALTH AND DISABILITY BENEFITS RELAT-  
6 ING TO WATER EXPOSURE.—Any award made to an  
7 individual, or legal representative of an individual,  
8 under this section shall be offset by the amount of  
9 any disability award, payment, or benefit provided to  
10 the individual, or legal representative—

11 (A) under—

12 (i) any program under the laws ad-  
13 ministered by the Secretary of Veterans  
14 Affairs;

15 (ii) the Medicare program under title  
16 XVIII of the Social Security Act (42  
17 U.S.C. 1395 et seq.); or

18 (iii) the Medicaid program under title  
19 XIX of the Social Security Act (42 U.S.C.  
20 1396 et seq.); and

21 (B) in connection with health care or a dis-  
22 ability relating to exposure to the water at  
23 Camp Lejeune.

24 (f) IMMUNITY LIMITATION.—The United States may  
25 not assert any claim to immunity in an action under this

1 section that would otherwise be available under section  
2 2680(a) of title 28, United States Code.

3 (g) NO PUNITIVE DAMAGES.—Punitive damages may  
4 not be awarded in any action under this section.

5 (h) DISPOSITION BY FEDERAL AGENCY RE-  
6 QUIRED.—An individual may not bring an action under  
7 this section before complying with section 2675 of title 28,  
8 United States Code.

9 (i) EXCEPTION FOR COMBATANT ACTIVITIES.—This  
10 section does not apply to any claim or action arising out  
11 of the combatant activities of the Armed Forces.

12 (j) APPLICABILITY; PERIOD FOR FILING.—

13 (1) APPLICABILITY.—This section shall apply  
14 only to a claim accruing before the date of enact-  
15 ment of this Act.

16 (2) STATUTE OF LIMITATIONS.—A claim in an  
17 action under this section may not be commenced  
18 after the later of—

19 (A) the date that is two years after the  
20 date of enactment of this Act; or

21 (B) the date that is 180 days after the  
22 date on which the claim is denied under section  
23 2675 of title 28, United States Code.

24 (3) INAPPLICABILITY OF OTHER LIMITA-  
25 TIONS.—Any applicable statute of repose or statute

1 of limitations, other than under paragraph (2), shall  
2 not apply to a claim under this section.

3 **SEC. 805. COST OF WAR TOXIC EXPOSURES FUND.**

4 (a) IN GENERAL.—Chapter 3 is amended by adding  
5 at the end the following new section:

6 **“§ 324. Cost of War Toxic Exposures Fund**

7 “(a) ESTABLISHMENT.—There is hereby established  
8 in the Treasury of the United States an account to be  
9 known as the ‘Cost of War Toxic Exposures Fund’ (the  
10 ‘Fund’), to be administered by the Secretary.

11 “(b) DEPOSITS.—There shall be deposited in the  
12 Fund such amounts as may be appropriated to the Fund  
13 pursuant to subsection (c).

14 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
15 is authorized to be appropriated to the Fund for fiscal  
16 year 2023 and each subsequent fiscal year such sums as  
17 are necessary to increase funding, over the fiscal year  
18 2021 level, for investment in—

19 “(1) the delivery of veterans’ health care associ-  
20 ated with exposure to environmental hazards in the  
21 active military, naval, air, or space service in pro-  
22 grams administered by the Under Secretary for  
23 Health;

24 “(2) any expenses incident to the delivery of  
25 veterans’ health care and benefits associated with

1 exposure to environmental hazards in the active mili-  
2 tary, naval, air, or space service, including adminis-  
3 trative expenses, such as information technology and  
4 claims processing and appeals, and excluding leases  
5 as authorized or approved under section 8104 of this  
6 title; and

7 “(3) medical and other research relating to ex-  
8 posure to environmental hazards.

9 “(d) BUDGET SCOREKEEPING.—(1) Immediately  
10 upon enactment of the Sergeant First Class Heath Robin-  
11 son Honoring our Promise to Address Comprehensive  
12 Toxics Act of 2022, expenses authorized to be appro-  
13 priated to the Fund in subsection (c) shall be estimated  
14 for fiscal year 2023 and each subsequent fiscal year and  
15 treated as budget authority that is considered to be direct  
16 spending—

17 “(A) in the baseline for purposes of section 257  
18 of the Balanced Budget and Emergency Deficit Con-  
19 trol Act of 1985 (2 U.S.C. 907);

20 “(B) by the Chairman of the Committee on the  
21 Budget of the Senate and the Chair of the Com-  
22 mittee on the Budget of the House of Representa-  
23 tives, as appropriate, for purposes of budget enforce-  
24 ment in the Senate and the House of Representa-  
25 tives;

1           “(C) under the Congressional Budget Act of  
2           1974 (2 U.S.C. 621 et seq.), including in the reports  
3           required by section 308(b) of such Act (2 U.S.C.  
4           639); and

5           “(D) for purposes of the Statutory Pay-As-You-  
6           Go Act of 2010 (2 U.S.C. 931 et seq.).

7           “(2) Amounts appropriated to the Fund in fiscal year  
8           2023 and each subsequent fiscal year pursuant to this sec-  
9           tion shall be counted as direct spending under the Con-  
10          gressional Budget and Impoundment Control Act of 1974  
11          (2 U.S.C. 621 et seq.) and any other Act.

12          “(3) Notwithstanding the Budget Scorekeeping  
13          Guidelines and the accompanying list of programs and ac-  
14          counts set forth in the joint explanatory statement of the  
15          committee of conference accompanying Conference Report  
16          105–217, and for purposes of the Balanced Budget and  
17          Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et  
18          seq.) and the Congressional Budget Act of 1974 (2 U.S.C.  
19          621 et seq.), the Fund shall be treated as if it were an  
20          account designated as ‘Appropriated Entitlements and  
21          Mandatories for Fiscal Year 1997’ in the joint explanatory  
22          statement of the committee of conference accompanying  
23          Conference Report 105–217.

24          “(e) ESTIMATES FOR CONGRESSIONAL CONSIDER-  
25          ATION.—The Secretary shall include in documents sub-

mitted to Congress in support of the President’s budget submitted pursuant to section 1105 of title 31 detailed estimates of the sums described in subsection (c) for the applicable fiscal year.

“(f) PROCEDURES FOR ESTIMATES.—The Secretary may, after consultation with the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, establish policies and procedures for developing the annual detailed estimates required by subsection (e).”.

(b) SEQUESTRATION.—Section 256(h)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(h)(4)) is amended by adding at the end the following new subparagraph:

“(G) Cost of War Toxic Exposures Fund.”.

**SEC. 806. APPROPRIATION FOR FISCAL YEAR 2022.**

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, \$500,000,000 for the Cost of War Toxic Exposures Fund, established by section 324 of title 38, United States Code, as added by section 805 of this Act, to remain available until September 30, 2024.

1 (b) SPEND PLAN.—Not later than 30 days after en-  
2 actment of this Act, the Secretary of Veterans Affairs  
3 shall submit a plan for expending amounts made available  
4 by subsection (a) by program, project or activity to the  
5 Committee on Appropriations of the Senate and the Com-  
6 mittee on Appropriations of the House of Representatives.  
7 Funds may not be obligated until such Committees issue  
8 an approval, or absent a response, a period of 30 days  
9 has elapsed.

10 **SEC. 807. AUTHORIZATION OF ELECTRONIC NOTICE IN**  
11 **CLAIMS UNDER LAWS ADMINISTERED BY THE**  
12 **SECRETARY OF VETERANS AFFAIRS.**

13 (a) IN GENERAL.—Title 38, United States Code, is  
14 amended as follows:

15 (1) By striking section 5100 and inserting the  
16 following:

17 **“§ 5100. Definitions**

18 “In this chapter:

19 “(1) The term ‘claimant’ means any individual  
20 applying for, or submitting a claim for, any benefit  
21 under the laws administered by the Secretary.

22 “(2) The term ‘notice’ means a communication  
23 issued through means (including electronic means)  
24 prescribed by the Secretary.”.

1           (2) In section 5104, by adding at the end the  
2           following new subsection:

3           “(c) The Secretary may provide notice under sub-  
4           section (a) electronically if a claimant (or the claimant’s  
5           representative) elects to receive such notice electronically.  
6           A claimant (or the claimant’s representative) may revoke  
7           such an election at any time, by means prescribed by the  
8           Secretary.

9           “(d) The Secretary shall annually—

10           “(1) solicit recommendations from stakeholders  
11           on how to improve notice under this section; and

12           “(2) publish such recommendations on a pub-  
13           licly available website of the Department.”.

14           (3) In section 5104B(c), in the matter pre-  
15           ceding paragraph (1) by striking “in writing” and  
16           inserting “to the claimant (and any representative of  
17           such claimant)”.

18           (4) In section 5112(b)(6), by striking “(at the  
19           payee’s last address of record)”.

20           (5) In section 7104—

21           (A) in the heading, by adding “; **decisions; notice**” at the end; and

22           (B) by striking subsection (e) and insert-  
23           ing the following:  
24

1 “(e) After reaching a decision on an appeal, the  
2 Board shall promptly issue notice (as that term is defined  
3 in section 5100 of this title) of such decision to the fol-  
4 lowing:

5 “(1) The appellant.

6 “(2) Any other party with a right to notice of  
7 such decision.

8 “(3) Any authorized representative of the appel-  
9 lant or party described in paragraph (2).

10 “(f)(1) The Secretary may provide notice under sub-  
11 section (e) electronically if a claimant (or the claimant’s  
12 representative) elects to receive such notice electronically.

13 “(2) A claimant (or the claimant’s representative)  
14 may revoke such an election at any time, by means pre-  
15 scribed by the Secretary.”.

16 (6) In section 7105(b)(1)(A), by striking “mail-  
17 ing” and inserting “issuance”.

18 (7) In section 7105A(a), by striking “mailed”  
19 and inserting “issued”.

20 (8) In section 7266(a), by striking “mailed”  
21 and inserting “issued”.

22 (b) RULE OF CONSTRUCTION.—None of the amend-  
23 ments made by this section shall be construed to apply  
24 section 5104(a) of such title to decisions of the Board of  
25 Veterans’ Appeals under chapter 71 of such title.

1 **SEC. 808. BURN PIT TRANSPARENCY.**

2 (a) ANNUAL REPORT ON DISABILITY CLAIMS.—

3 (1) IN GENERAL.—Not later than 180 days  
4 after the date of the enactment of this Act, and an-  
5 nually thereafter, the Secretary of Veterans Affairs  
6 shall submit to the appropriate congressional com-  
7 mittees a report detailing the following:

8 (A) The total number of covered veterans.

9 (B) The total number of claimed issues for  
10 disability compensation under chapter 11 of  
11 title 38, United States Code, approved and the  
12 total number denied by the Secretary of Vet-  
13 erans Affairs with respect to a covered veteran,  
14 and a breakdown of the reasons for the denials.

15 (C) A comprehensive list of the top 10 con-  
16 ditions from each body system for which the  
17 Secretary awarded service connection for cov-  
18 ered veterans.

19 (D) Any updates or trends with respect to  
20 the information described in subparagraphs (A),  
21 (B), and (C), that the Secretary determines ap-  
22 propriate.

23 (2) COVERED VETERAN DEFINED.—In this sub-  
24 section, the term “covered veteran” means a veteran  
25 who deployed to the Southwest Asia theater of oper-  
26 ations any time after August 1990, or Afghanistan,

1 Syria, Djibouti, or Uzbekistan after September 19,  
2 2001, and who submits a claim for disability com-  
3 pensation under chapter 11 of title 38, United  
4 States Code.

5 (b) INFORMATION REGARDING THE AIRBORNE HAZ-  
6 ARDS AND OPEN BURN PIT REGISTRY.—

7 (1) NOTICE.—The Secretary of Veterans Af-  
8 fairs shall ensure that a medical professional of the  
9 Department of Veterans Affairs informs a veteran of  
10 the Airborne Hazards and Open Burn Pit Registry  
11 if the veteran presents at a medical facility of the  
12 Department for treatment that the veteran describes  
13 as being related to, or ancillary to, the exposure of  
14 the veteran to toxic airborne chemicals and fumes  
15 caused by open burn pits.

16 (2) DISPLAY.—In making information public  
17 regarding the number of participants in the Air-  
18 borne Hazards and Open Burn Pit Registry, the  
19 Secretary shall display such numbers by both State  
20 and by congressional district.

21 (c) DEFINITIONS.—In this section:

22 (1) AIRBORNE HAZARDS AND OPEN BURN PIT  
23 REGISTRY.—The term “Airborne Hazards and Open  
24 Burn Pit Registry” means the registry established  
25 by the Secretary of Veterans Affairs under section

1 201 of the Dignified Burial and Other Veterans’  
2 Benefits Improvement Act of 2012 (Public Law  
3 112–260; 38 U.S.C. 527 note).

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
5 TEES.—The term “appropriate congressional com-  
6 mittees” means—

7 (A) the Committee on Veterans’ Affairs  
8 and the Committee on Armed Services of the  
9 Senate; and

10 (B) The Committee on Veterans’ Affairs  
11 and the Committee on Armed Services of the  
12 House of Representatives.

13 (3) OPEN BURN PIT.—The term “open burn  
14 pit” has the meaning given that term in section  
15 201(c) of the Dignified Burial and Other Veterans’  
16 Benefits Improvement Act of 2012 (Public Law  
17 112–260; 38 U.S.C. 527 note).

18 **TITLE IX—IMPROVEMENT OF**  
19 **WORKFORCE OF DEPART-**  
20 **MENT OF VETERANS AFFAIRS**

21 **SEC. 901. NATIONAL RURAL RECRUITMENT AND HIRING**  
22 **PLAN FOR VETERANS HEALTH ADMINISTRA-**  
23 **TION.**

24 (a) IN GENERAL.—Not later than 18 months after  
25 the date of the enactment of this Act, the Secretary of

1 Veterans Affairs, in collaboration with the directors of  
2 each community-based outpatient clinic and medical cen-  
3 ter of the Department of Veterans Affairs, shall develop  
4 and implement a national rural recruitment and hiring  
5 plan for the Veterans Health Administration to—

6 (1) recruit health care professionals for rural  
7 and highly rural community-based outpatient clinics  
8 and rural and highly rural medical centers of the  
9 Department;

10 (2) determine which such clinics or centers have  
11 a staffing shortage of health care professionals;

12 (3) develop best practices and techniques for re-  
13 cruiting health care professionals for such clinics  
14 and centers;

15 (4) not less frequently than annually, provide  
16 virtually based, on-demand training to human re-  
17 sources professionals of the Veterans Health Admin-  
18 istration on the best practices and techniques devel-  
19 oped under paragraph (3); and

20 (5) provide recruitment resources, such as pam-  
21 phlets and marketing material to—

22 (A) Veterans Integrated Service Networks  
23 of the Department;

24 (B) rural and highly rural community-  
25 based outpatient clinics of the Department; and

1 (C) rural and highly rural medical centers  
2 of the Department.

3 (b) ANNUAL REPORT.—Not later than 18 months  
4 after the date of the enactment of this Act, and annually  
5 thereafter, the Secretary shall submit to the Committee  
6 on Veterans' Affairs of the Senate and the Committee on  
7 Veterans' Affairs of the House of Representatives a report  
8 that includes—

9 (1) the plan developed and implemented under  
10 subsection (a); and

11 (2) an assessment of the outcomes related to  
12 recruitment and retention of employees of the Vet-  
13 erans Health Administration at rural and highly  
14 rural facilities of the Department.

15 (c) DEFINITIONS.—In this section, the terms “rural”  
16 and “highly rural” have the meanings given those terms  
17 under the rural-urban commuting areas coding system of  
18 the Department of Agriculture.

19 **SEC. 902. AUTHORITY TO BUY OUT SERVICE CONTRACTS**  
20 **FOR CERTAIN HEALTH CARE PROFES-**  
21 **SIONALS IN EXCHANGE FOR EMPLOYMENT**  
22 **AT RURAL OR HIGHLY RURAL FACILITIES OF**  
23 **DEPARTMENT OF VETERANS AFFAIRS.**

24 (a) IN GENERAL.—For any covered health care pro-  
25 fessional to whom the Secretary of Veterans Affairs has

1 offered employment with the Department of Veterans Af-  
2 fairs, the Secretary may buy out the non-Department serv-  
3 ice contract of such individual in exchange for such indi-  
4 vidual agreeing to be employed at a rural or highly rural  
5 facility of the Department for a period of obligated service  
6 specified in subsection (c).

7 (b) PAYMENT OF AMOUNTS.—

8 (1) IN GENERAL.—Payment of any amounts for  
9 a buy out of a service contract for a covered health  
10 care professional under subsection (a) shall be made  
11 directly to the individual or entity with respect to  
12 which the covered health care professional has a  
13 service obligation under such contract.

14 (2) LIMITATION ON TOTAL AMOUNT.—The total  
15 amount paid by the Department under this section  
16 shall not exceed \$40,000,000 per fiscal year.

17 (c) OBLIGATED SERVICE.—In exchange for a con-  
18 tract buy out under subsection (a), a covered health care  
19 professional shall agree to be employed for not less than  
20 four years at a rural or highly rural facility of the Depart-  
21 ment.

22 (d) LIABILITY.—

23 (1) IN GENERAL.—Except as provided in para-  
24 graph (2), if a covered health care professional fails  
25 for any reason to complete the period of obligated

1 service of the individual under subsection (c), the  
2 United States shall be entitled to recover from the  
3 individual an amount equal to—

4 (A) the total amount paid under subsection  
5 (a) to buy out the non-Department service con-  
6 tract of the individual; multiplied by

7 (B) a fraction—

8 (i) the numerator of which is—

9 (I) the total number of months in  
10 the period of obligated service of the  
11 individual; minus

12 (II) the number of months served  
13 by the individual; and

14 (ii) the denominator of which is the  
15 total number of months in the period of  
16 obligated service of the individual.

17 (2) EXCEPTION.—Liability shall not arise under  
18 paragraph (1) in the case of an individual covered  
19 by that paragraph if the individual does not obtain,  
20 or fails to maintain, employment as an employee of  
21 the Department due to staffing changes approved by  
22 the Under Secretary for Health.

23 (e) NOT A TAXABLE BENEFIT.—A contract buy out  
24 for a covered health care professional under subsection (a)

1 shall not be considered a taxable benefit or event for the  
2 covered health care professional.

3 (f) ANNUAL REPORT.—

4 (1) IN GENERAL.—Not later than 18 months  
5 after the date of the enactment of this Act, and not  
6 less frequently than annually thereafter, the Sec-  
7 retary of Veterans Affairs shall submit to the Com-  
8 mittee on Veterans' Affairs of the Senate and the  
9 Committee on Veterans' Affairs of the House of  
10 Representatives a report on the use by the Secretary  
11 of the authority under this section.

12 (2) ELEMENTS.—Each report required by para-  
13 graph (1) shall include the following:

14 (A) The number of health care profes-  
15 sionals for whom a service contract buyout pay-  
16 ment was made under subsection (a) in the pre-  
17 vious fiscal year, disaggregated by occupation  
18 or specialty.

19 (B) The average, highest, and lowest  
20 amount of the service contract buyout payments  
21 made under subsection (a) for each occupation  
22 or specialty in the previous fiscal year.

23 (C) Each location where contract buyout  
24 authority under subsection (a) was utilized and  
25 the number of covered health care professionals

1           who agreed to be employed at such location in  
2           the previous fiscal year.

3           (g) DEFINITIONS.—In this section:

4           (1) COVERED HEALTH CARE PROFESSIONAL.—  
5           The term “covered health care professional” means  
6           a physician, nurse anesthetist, surgical physician as-  
7           sistant, or nurse practitioner offered employment  
8           with the Department regardless of the authority  
9           under which such employment is offered.

10          (2) RURAL; HIGHLY RURAL.—The terms  
11          “rural” and “highly rural” have the meanings given  
12          those terms under the rural-urban commuting areas  
13          coding system of the Department of Agriculture.

14          (h) SUNSET.—This section shall terminate on Sep-  
15          tember 30, 2027.

16   **SEC. 903. QUALIFICATIONS FOR HUMAN RESOURCES POSI-**  
17                           **TIONS WITHIN DEPARTMENT OF VETERANS**  
18                           **AFFAIRS AND PLAN TO RECRUIT AND RETAIN**  
19                           **HUMAN RESOURCES EMPLOYEES.**

20          (a) ESTABLISHMENT OF QUALIFICATIONS.—Not  
21          later than 180 days after the date of the enactment of  
22          this Act, the Secretary of Veterans Affairs shall—

23           (1) establish qualifications for each human re-  
24          sources position within the Department of Veterans

1       Affairs in coordination with the Office of Personnel  
2       Management;

3           (2) establish standardized performance metrics  
4       for each such position; and

5           (3) submit to the Committee on Veterans' Af-  
6       fairs of the Senate and the Committee on Veterans'  
7       Affairs of the House of Representatives a report  
8       containing the qualifications and standardized per-  
9       formance metrics established under paragraphs (1)  
10      and (2).

11      (b) IMPROVEMENT OF HUMAN RESOURCES AC-  
12      TIONS.—Not later than 90 days after the date of the en-  
13      actment of this Act, the Secretary shall establish or en-  
14      hance systems of the Department to monitor the hiring  
15      and other human resources actions that occur at the local,  
16      regional, and national levels of the Department to improve  
17      the performance of those actions.

18      (c) REPORT.—Not later than one year after the es-  
19      tablishment of the qualifications and performance metrics  
20      under subsection (a), the Comptroller General of the  
21      United States shall submit to the Committee on Veterans'  
22      Affairs of the Senate and the Committee on Veterans' Af-  
23      fairs of the House of Representatives a report con-  
24      taining—

1           (1) a description of the implementation of such  
2           qualifications and performance metrics;

3           (2) an assessment of the quality of such quali-  
4           fications and performance metrics;

5           (3) an assessment of performance and outcomes  
6           based on such metrics; and

7           (4) such other matters as the Comptroller Gen-  
8           eral considers appropriate.

9           (d) PLAN TO RECRUIT AND RETAIN HUMAN RE-  
10          SOURCES EMPLOYEES.—Not later than one year after the  
11          date of the enactment of this Act, the Secretary of Vet-  
12          erans Affairs shall submit to the Committee on Veterans’  
13          Affairs of the Senate and the Committee on Veterans’ Af-  
14          fairs of the House of Representatives a plan for the re-  
15          cruitment and retention of human resources employees  
16          within the Department of Veterans Affairs.

17       **SEC. 904. MODIFICATION OF PAY CAP FOR CERTAIN EM-**  
18                               **PLOYEES OF VETERANS HEALTH ADMINIS-**  
19                               **TRATION.**

20          (a) IN GENERAL.—Section 7455(c) is amended—

21               (1) in paragraph (1), by striking “30 percent”  
22               inserting “50 percent”;

23               (2) in paragraph (2), by striking “level IV” in-  
24               serting “level II”; and

1           (3) by adding at the end the following new  
2       paragraph:

3       “(3)(A) Notwithstanding section 5304 of title 5 or  
4 any other provision of law, but subject to the limitation  
5 under paragraph (2), pursuant to an increase under sub-  
6 section (a), the Secretary may pay a special rate or an  
7 adjusted rate of basic pay in excess of the rate of basic  
8 pay payable for level IV of the Executive Schedule.

9       “(B) If an employee is in receipt of a special rate  
10 of pay under subparagraph (A) in excess of the rate of  
11 basic pay payable for level IV of the Executive Schedule  
12 with an established special rate supplement of greater  
13 value than a supplement based on the applicable locality-  
14 based comparability payment percentage under section  
15 5304 of title 5, but a pay adjustment would cause such  
16 established special rate supplement to be of lesser value,  
17 the special rate supplement shall be converted to a supple-  
18 ment based on the applicable locality-based comparability  
19 percentage unless the Secretary determines that some  
20 other action is appropriate.”.

21       (b) PAY FOR CRITICAL POSITIONS.—Section  
22 7404(a)(1)(B) is amended by inserting “7306 or” before  
23 “7401(4)”.

1 **SEC. 905. EXPANSION OF OPPORTUNITIES FOR HOUSE-**  
2 **KEEPING AIDES.**

3 Section 3310 of title 5, United States Code, is  
4 amended by inserting “(other than for positions of house-  
5 keeping aides in the Department of Veterans Affairs)”  
6 after “competitive service”.

7 **SEC. 906. MODIFICATION OF AUTHORITY OF THE SEC-**  
8 **RETARY OF VETERANS AFFAIRS RELATING**  
9 **TO HOURS, CONDITIONS OF EMPLOYMENT,**  
10 **AND PAY FOR CERTAIN EMPLOYEES OF VET-**  
11 **ERANS HEALTH ADMINISTRATION.**

12 (a) EXPANSION OF ELIGIBILITY OF EMPLOYEES FOR  
13 CERTAIN AWARDS.—Section 7404(c) is amended—

14 (1) by striking “Notwithstanding” and insert-  
15 ing “(1) Notwithstanding”;

16 (2) by inserting “or 7401(4)” after “section  
17 7306”;

18 (3) by striking “who is not eligible for pay  
19 under subchapter III” and inserting “or in a covered  
20 executive position under section 7401(1) of this  
21 title”;

22 (4) by striking “sections 4507 and 5384” and  
23 inserting “section 4507”; and

24 (5) by adding at the end the following new  
25 paragraph:

1 “(2) In this subsection, the term ‘covered executive  
2 position’ means a position that the Secretary has deter-  
3 mined is of equivalent rank to a Senior Executive Service  
4 position (as such term is defined in section 3132(a) of title  
5 5) and is subject to an agency performance management  
6 system.”.

7 (b) AUTHORITY FOR AWARDS PROGRAMS OF DE-  
8 PARTMENT OF VETERANS AFFAIRS.—

9 (1) IN GENERAL.—Subchapter I of chapter 74  
10 is amended by inserting after section 7404 the fol-  
11 lowing new section:

12 **“§ 7404A. Awards**

13 “(a) SUPERIOR ACCOMPLISHMENTS AND PERFORM-  
14 ANCE AWARDS PROGRAM.—The Secretary may establish  
15 an awards program for personnel listed in section 7421(b)  
16 of this title consistent with chapter 45 of title 5, to the  
17 extent practicable.

18 “(b) EXECUTIVE PERFORMANCE AWARDS PRO-  
19 GRAM.—Notwithstanding section 7425 of this title or any  
20 other provision of law, the Secretary may establish a per-  
21 formance awards program consistent with section 5384 of  
22 title 5 for—

23 “(1) personnel appointed under section 7401(1)  
24 of this title for a position that the Secretary has de-  
25 termined is of equivalent rank to a Senior Executive

1 Service position (as such term is defined in section  
2 3132(a) of title 5) and is subject to an agency per-  
3 formance management system; and

4 “(2) personnel appointed under section 7306 or  
5 7401(4) of this title.

6 “(c) PAYMENT OF AWARDS.—Awards under this sec-  
7 tion may be paid based on criteria established by the Sec-  
8 retary and shall not be considered in calculating the limi-  
9 tation under section 7431(e)(4) of this title.

10 “(d) NOT CONSIDERED BASIC PAY.—Awards under  
11 this section shall not be considered basic pay for any pur-  
12 pose.

13 “(e) REGULATIONS.—The Secretary may prescribe  
14 regulations for the administration of this section.”.

15 (2) LIMITATION ON PAST AWARDS.—Notwith-  
16 standing any other provision of law, awards made by  
17 the Secretary of Veterans Affairs for any period on  
18 or after January 1, 2017, and before the date of the  
19 enactment of this Act for an employee under section  
20 7306 or 7401(4) of title 38, United States Code, or  
21 for a position described in section 7401(1) of such  
22 title that the Secretary has determined is of equiva-  
23 lent rank to a Senior Executive Service position (as  
24 such term is defined in section 3132(a) of title 5,  
25 United States Code), may be subject to section

1       7404A of title 38, United States Code, as added by  
2       paragraph (1).

3       (c) MODIFICATION OF EMPLOYEES SUBJECT TO  
4 REGULATION BY SECRETARY OF VETERANS AFFAIRS OF  
5 HOURS AND CONDITIONS OF EMPLOYMENT AND LEAVES  
6 OF ABSENCE.—

7           (1) IN GENERAL.—Section 7421 is amended—

8               (A) in subsection (a), by striking “chap-  
9               ter” and inserting “title”; and

10              (B) in subsection (b), by adding at the end  
11              the following new paragraph:

12              “(9) Any position for which the employee is ap-  
13              pointed under section 7306 or 7401(4) of this  
14              title.”.

15           (2) ADMINISTRATION OF FULL-TIME EMPLOY-  
16           EES.—Section 7423 is amended—

17               (A) in subsection (a)(2), by adding at the  
18               end the following new subparagraph:

19              “(D) The Secretary may exclude from the require-  
20              ments of paragraph (1) employees hired under section  
21              7306 or 7401(4) of this title or for a position described  
22              in section 7401(1) of this title that the Secretary has de-  
23              termined is of equivalent rank to a Senior Executive Serv-  
24              ice position (as such term is defined in section 3132(a)  
25              of title 5).”; and

1 (B) in subsection (e)(1), by striking  
2 “7401(1)” and inserting “7421(b)”.

3 (3) ADDITIONAL PAY AUTHORITIES.—Section  
4 7410(a) is amended—

5 (A) by striking “The Secretary” and in-  
6 serting “(1) The Secretary”;

7 (B) by striking “the personnel described in  
8 paragraph (1) of section 7401 of this title” and  
9 inserting “personnel appointed under section  
10 7306 of this title or section 7401(4) of this  
11 title, or personnel described in section 7401(1)  
12 of this title,”; and

13 (C) by striking “in the same manner, and  
14 subject to the same limitations, as in the case  
15 of” and inserting “in a manner consistent  
16 with”; and

17 (D) by adding at the end the following new  
18 paragraph:

19 “(2) Payments under paragraph (1) shall not be con-  
20 sidered in calculating the limitation under section  
21 7431(e)(4) of this title.”.

22 (4) TREATMENT OF PAY AUTHORITY  
23 CHANGES.—For the purposes of the amendments  
24 made by paragraph (3), the Secretary of Veterans  
25 Affairs shall treat any award or payment made by

1 the Secretary between January 1, 2017, and the  
2 date of the enactment of this Act to employees ap-  
3 pointed under sections 7306, 7401(1), and 7401(4)  
4 of title 38, United States Code, that the Secretary  
5 has determined are of equivalent rank to a Senior  
6 Executive Service position (as such term is defined  
7 in section 3132(a) of title 5, United States Code),  
8 as if such amendments had been in effect at the  
9 time of such award or payment.

10 (5) TREATMENT OF PRIOR LEAVE BALANCES.—

11 Notwithstanding any other provision of law, the Sec-  
12 retary may adjust the leave balance and carryover  
13 leave balance of any employee described in section  
14 7421(b)(9) of title 38, United States Code, as  
15 amended by paragraph (1)(B), to ensure any leave  
16 accrued or carried over before the date of the enact-  
17 ment of this Act remains available to such employee.

18 (d) TREATMENT OF CERTAIN EMPLOYEES AS AP-  
19 POINTED UNDER SECTION 7306.—Section 7306 is  
20 amended—

21 (1) in subsection (a), by redesignating the sec-  
22 ond paragraph (11) as paragraph (12); and

23 (2) by adding at the end the following new sub-  
24 section:

1 “(g) For purposes of applying any provision of chap-  
2 ter 74 of this title, including sections 7404, 7410, and  
3 7421, or any other provision of law, the Secretary may  
4 treat any appointment for a position under this chapter  
5 to be an appointment under this section.”.

6 (e) CONFORMING AMENDMENT.—Section 7431(e)(4)  
7 is amended by striking “In no case” and inserting “Except  
8 as provided in sections 7404A(c) and 7410(a)(2) of this  
9 title, in no case”.

10 **SEC. 907. WAIVER OF PAY LIMITATION FOR CERTAIN EM-**  
11 **PLOYEES OF DEPARTMENT OF VETERANS AF-**  
12 **FAIRS.**

13 Subchapter I of chapter 7 is amended by inserting  
14 after section 703 the following new section:

15 **“§ 704. Waiver of pay limitation for certain employees**

16 “(a) EMPLOYEES OF VETERANS HEALTH ADMINIS-  
17 TRATION IMPACTED BY CLOSURE OR REALIGNMENT.—  
18 Notwithstanding any other provision of law, the Secretary  
19 may waive any annual premium or aggregate limitation  
20 on pay for an employee of the Veterans Health Adminis-  
21 tration for the calendar year during which—

22 “(1) the official duty station of the employee is  
23 closed; or

24 “(2) the office, facility, activity, or organization  
25 of the employee is realigned.

1       “(b) EMPLOYEES PROVIDING CARE TO VETERANS  
2 EXPOSED TO OPEN BURN PITS.—

3               “(1) IN GENERAL.—Notwithstanding any other  
4 provision of law, the Secretary may waive any an-  
5 nual premium or aggregate limitation on pay for an  
6 employee of the Department whose primary duties  
7 include providing expanded care for veterans exposed  
8 to open burn pits.

9               “(2) OPEN BURN PIT DEFINED.—In this sub-  
10 section, the term ‘open burn pit’ has the meaning  
11 given that term in section 201(c) of the Dignified  
12 Burial and Other Veterans’ Benefits Improvement  
13 Act of 2012 (Public Law 112–260; 38 U.S.C. 527  
14 note).

15       “(c) COORDINATION WITH OFFICE OF PERSONNEL  
16 MANAGEMENT.—In implementing this section, the Sec-  
17 retary shall coordinate with the Director of the Office of  
18 Personnel Management.

19       “(d) REPORTS.—

20               “(1) IN GENERAL.—For each quarter that the  
21 Secretary waives a limitation under this section, the  
22 Secretary shall submit to the Committee on Vet-  
23 erans’ Affairs of the Senate, the Committee on Vet-  
24 erans’ Affairs of the House of Representatives, and

1 the Office of Personnel Management a report on the  
2 waiver or waivers.

3 “(2) CONTENTS.—Each report submitted under  
4 paragraph (1) with respect to a waiver or waivers  
5 shall include the following:

6 “(A) Where the waiver or waivers were  
7 used, including in which component of the De-  
8 partment and, as the case may be, which med-  
9 ical center of the Department.

10 “(B) For how many employees the waiver  
11 or waivers were used, disaggregated by compo-  
12 nent of the Department and, if applicable, med-  
13 ical center of the Department.

14 “(C) The average amount by which each  
15 payment exceeded the pay limitation that was  
16 waived, disaggregated by component of the De-  
17 partment and, if applicable, medical center of  
18 the Department.

19 “(e) EMPLOYEE DEFINED.—In this section, the term  
20 ‘employee’ means any employee regardless of the authority  
21 under which the employee was hired.

22 “(f) TERMINATION.—This section shall terminate on  
23 September 30, 2027.”.

1 **SEC. 908. ELIMINATION OF LIMITATION ON AWARDS AND**  
2 **BONUS FOR EMPLOYEES OF DEPARTMENT OF**  
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 705(a) of the Veterans  
5 Access, Choice, and Accountability Act of 2014 (Public  
6 Law 113–146; 38 U.S.C. 703 note) is amended by striking  
7 paragraph (3).

8 (b) APPLICABILITY.—Subsection (a) shall take effect  
9 on the date of the enactment of this Act and apply as  
10 if such subsection had been enacted on September 30,  
11 2021.

12 **SEC. 909. ADDITIONAL AUTHORITY OF THE SECRETARY OF**  
13 **VETERANS AFFAIRS RELATING TO RECRUIT-**  
14 **MENT AND RETENTION OF PERSONNEL.**

15 Subchapter I of chapter 7 is amended by inserting  
16 after section 705 the following new section:

17 **“§ 706. Additional authority relating to recruitment**  
18 **and retention of personnel**

19 “(a) RECRUITMENT AND RELOCATION BONUSES.—  
20 The Secretary may pay a recruitment or relocation bonus  
21 under section 5753(e) of title 5 without regard to any re-  
22 quirements for certification or approval under that sec-  
23 tion.

24 “(b) RETENTION BONUSES.—(1) The Secretary may  
25 pay a retention bonus under section 5754(f) of title 5

1 without regard to any requirement for certification or ap-  
2 proval under that subsection.

3 “(2) The Secretary may pay a retention bonus as  
4 specified in subsection (e)(2) of section 5754 of title 5 and  
5 may pay the bonus as a single lump-sum payment at the  
6 beginning of the full period of service required by an  
7 agreement under subsection (d) of such section.

8 “(c) MERIT AWARDS.—The Secretary may grant a  
9 cash award under section 4502(b) of title 5 without regard  
10 to any requirement for certification or approval under that  
11 section.

12 “(d) INCENTIVES FOR CRITICAL SKILLS.—(1) Sub-  
13 ject to the provisions of this paragraph, the Secretary may  
14 provide a critical skill incentive to an employee in a case  
15 in which the Secretary determines—

16 “(A) the employee possesses a high-demand  
17 skill or skill that is at a shortage;

18 “(B) such skill is directly related to the duties  
19 and responsibilities of the employee’s position; and

20 “(C) employment of an individual with such  
21 skill in such position serves a critical mission-related  
22 need of the Department.

23 “(2) An incentive provided to an employee under  
24 paragraph (1) may not to exceed 25 percent of the basic  
25 pay of the employee.

1       “(3) Provision of an incentive under paragraph (1)  
2 shall be contingent on the employee entering into a written  
3 agreement to complete a period of employment with the  
4 Department.

5       “(4) An incentive provided under paragraph (1) shall  
6 not be considered basic pay for any purpose.

7       “(5) The Secretary may prescribe conditions, includ-  
8 ing with respect to eligibility, and limitations on provision  
9 of incentive under paragraph (1).

10       “(6) Incentive provided under paragraph (1) shall not  
11 be included in the calculation of total amount of com-  
12 pensation under section 7431(e)(4) of this title.

13       “(e) STUDENT LOAN REPAYMENTS.—(1) Subject to  
14 the provisions of this subsection, the Secretary may repay  
15 a student loan pursuant to section 5379(b) of title 5.

16       “(2) Paragraph (2) of such section shall not apply  
17 to payment under this subsection.

18       “(3) Payment under this subsection shall be made  
19 subject to such terms, limitations, or conditions as may  
20 be mutually agreed to by the Secretary and the employee  
21 concerned, except that the amount paid by the Secretary  
22 under this subsection may not exceed—

23               “(A) \$40,000 for any employee in any calendar  
24       year; or

1           “(B) a total of \$100,000 in the case of any em-  
2       ployee.

3       “(f) EXPEDITED HIRING AUTHORITY FOR COLLEGE  
4 GRADUATES; COMPETITIVE SERVICE.—(1) Subject to  
5 paragraph (2) of this subsection, the Secretary may expe-  
6 dite hiring for college graduates under section 3115 of  
7 title 5 without regard to subsection (e) of such section or  
8 any regulations prescribed by the Office of Personnel  
9 Management for administration of such subsection.

10       “(2) The number of employees the Secretary may ap-  
11 point under section 3115 of title 5 may not exceed the  
12 number equal to 25 percent of individuals that the Sec-  
13 retary appointed during the previous fiscal year to a posi-  
14 tion in the competitive service classified in a professional  
15 or administrative occupational category, at the GS-11  
16 level, or an equivalent level, or below, under a competitive  
17 examining procedure.

18       “(g) EXPEDITED HIRING AUTHORITY FOR POST-  
19 SECONDARY STUDENTS; COMPETITIVE SERVICE.—(1)  
20 Subject to paragraph (2) of this subsection, the Secretary  
21 may expedite hiring of post-secondary students under sec-  
22 tion 3116 of title 5, without regard to subsection (d) of  
23 such section or any regulations prescribed by the Office  
24 of Personnel Management for administration of such sub-  
25 section.

1       “(2) The number of employees the Secretary may ap-  
2 point under section 3116 of title 5 may not exceed the  
3 number equal to 25 percent of the number of students  
4 that the Secretary appointed during the previous fiscal  
5 year to a position at the GS–11 level, or an equivalent  
6 level, or below.

7       “(h) PAY AUTHORITY FOR CRITICAL POSITIONS.—  
8 (1) Subject to the provisions of this subsection, the Sec-  
9 retary may authorize the fixing of the rate of pay for a  
10 critical position in the Department consistent with the au-  
11 thorities and requirements of section 5377 of title 5 that  
12 apply to the Office of Personnel Management.

13       “(2) The Secretary may fix the rate of pay for a crit-  
14 ical position under this subsection in excess of the limita-  
15 tion set forth by section 5377(d)(2) of such title.

16       “(3) Basic pay may not be fixed under this subsection  
17 at a rate greater than the rate payable for the Vice Presi-  
18 dent of the United States established under section 104  
19 of title 3, except upon written approval of the President.

20       “(4) Notwithstanding section 5377(f) of title 5, the  
21 Secretary may authorize the exercise of authority under  
22 this subsection with respect to up to 200 positions at any  
23 time.

1       “(i) RATES OF SPECIAL PAY.—(1) The Secretary  
2 may establish a rate for special pay under section  
3 5305(a)(1) of title 5.

4       “(2) In applying such section to the Secretary’s au-  
5 thority under paragraph (1)—

6               “(A) ‘50 percent’ shall be substituted for ‘30  
7 percent’; and

8               “(B) ‘level II of the Executive Schedule’ shall  
9 be substituted for ‘level IV of the Executive Sched-  
10 ule’.

11       “(j) WAIVER OF LIMITATIONS ON CERTAIN PAY-  
12 MENTS UNDER PAY COMPARABILITY SYSTEM.—The Sec-  
13 retary may waive the limitation in section 5307 of title  
14 5 for an employee or a payment.

15       “(k) TERMINATION.—The authorities under this sec-  
16 tion shall terminate on September 30, 2027.”.